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CALENDAR
OF
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COLONIAL SERIES

AMERICA AND WEST INDIES
1726—1727

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The reference "A.P.C." is to the printed *Acts of the Privy Council, Colonial Series*, "Journal" to the printed *Journal of the Commissioners for Trade and Plantations.*

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Phrases in italics are summaries of matter of slight importance. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS is rubbed or torn.

CORRIGENDA.

p. 165. 354 vi. *For* "No. ii." *Read* "No. iii."

p. 170. 356 vi. *For* "President Sharpe" *read* "President Middleton."

p. 195. 379 xiii, line 2. *For* "1701–1706" *read* "1701–1726."

Index.

p. 459. *At head of page. For* "Hart, Charles" *read* "Hart, John."

p. 460. *Under* "Hunter, Robert. Instructions of (K. George II)". *For* "659" *read* "660."

p. 471. *For* "MARYLAND, Lt. Governor of. *See* Calvert, Charles" *read* "Calvert, Benedict Leonard."

p. 478. *To* "NEWFOUNDLAND, Convoy, Commodore of" etc. *add* "St. Lo, John."

p. 496. *In entry* "SPAIN, war with, expected." *For* "620, 622 i" *read* "621."

INTRODUCTION.

The years 1726, 1727, whose papers are calendared in this volume, were comparatively uneventful in the British colonies, and most of the important subjects that are dealt with had appeared first in earlier years, so that we have here only the sequel of previous events. The time was one of steady material progress, and there is no doubt that in most of the colonies there was an increase of well-being which absorbed a greater part of the energies of the colonists than before and made them less ready to engage in the factious disputes which fill so large a place in many of the earlier volumes of the *Calendar*.

§ I.

GENERAL.

Depredations of the guarda-costas.

Though Great Britain and Spain were nominally at peace, none of their long-standing disputes had been settled; the South Sea Company found it impossible to secure the privileges that they thought they had won under the Treaty of Utrecht, and there were interminable wrangles with the Spanish colonial Governors. These disputes do not fill a large place in these papers, for their effect in the colonies was only incidental; the bulk of the material concerning them is to be found in the State Papers, Foreign, Spain, where the reports of the negotiations in London and Madrid are collected. But the parallel disputes about the depredations of the Spanish guarda-costas find repeated mention, for it was largely upon the shipping of the colonies that the burden fell. The guarda-costas were practically pirates in a very thin disguise, and more than one extract shows that the Dutch had to suffer from them like the British. The Governor of Curaçao wrote that a Spanish sloop under the command of a Frenchman, Captain Nicole, who had formerly been a pirate, with a crew of 170 men had taken nine sloops belonging to the Dutch at Curaçao who were trading on the coast of Caracas. He had murdered nearly all those he found on board, and the Dutch Governor was taking action to capture him. When Nicole found any vessel that he could overpower, he hoisted the black flag and acted like a pirate, but if he met any ship of war or others that were too strong for him, he produced a commission from the Spanish Governor as a Guarda de la Costa to the irreparable damage of all vessels trading to the West Indies. Nicole's brutalities were worthy of his piratical experience, for finding two Jews on one of the Dutch sloops, in his barbarous mirth he had them cut into very small pieces, saying that the Spaniards would not be at the trouble of sending them to the Inquisition at Mexico (360).

Estimate of English losses.

So serious were the depredations of the guarda costas both upon English shipping and on the coasts of the colonies that the merchants of London in May 1726 presented a formal petition to the king asking that letters of reprisal against them should be granted, such as the French Government issued. They estimated that the damages sustained by British subjects in this unlawful manner since the Treaty of Utrecht amounted to above 300,000*l*. Notwithstanding all the applications that had been made to the Spanish Governors, they had not been attended with any manner of redress. The dilatory, unfair and expensive proceedings in their Courts of Judicature rendered all attempts of that kind exceedingly difficult and even impracticable, so that many of the aggrieved merchants had quitted their claims rather than follow them from Court to Court and at length be compelled to leave their affairs in America and go to Madrid where their solicitations might be in vain. The merchants complained bitterly of the evasiveness of the Spanish authorities and strongly represented that nothing but reprisals in accordance with the fourteenth article of the Treaty of 1670 could secure them justice. (152).

Admiral Hosier off Cartagena and Porto Bello.

The Government had already taken action to try what pressure would do without an actual declaration of war against Spain, for which they were not anxious in Europe. Admiral Hosier was ordered to cruise off Cartagena and Porto Bello, and we first hear of him in these papers when the Duke of

Portland, Governor of Jamaica wrote that he had received a letter from the Admiral dated 11 May 1726 stating that he was already on the Spanish coast and was about to carry out his instructions (159). It was not until August that Governor Hart of the Leeward Islands learned from the Dutch at St. Eustatius that Hosier had sailed from Jamaica (256), and this illustrates the delay in the communications between the various British colonies, for already in July the President of Jamaica, in writing to inform the Board of Trade of the death of the Duke of Portland, had told them of Hosier's operations. He was lying at the Bastamentas off Porto Bello and had given notice to the Spanish Governor that the galleons were not to sail without his express permission, in accordance with orders from England (217). This was the first explicit news among these documents of the beginning of the celebrated blockade, but thenceforward there are many mentions of Hosier's operations.

In October the squadron was still lying at the Bastamentas (303), but in November Hosier drew off and nearer to Cartagena for a change of air (338), since his crews were suffering seriously in health. In December the President of Jamaica wrote that the squadron had arrived from Porto Bello in a very distressed condition owing to the great sickness and mortality among his men (374). Hosier was determined to sail again immediately with five or six ships, for, as he told the Council of Jamaica, the whole peace of Europe depended upon his preventing the galleons from sailing (317 i). He asked for permission to press half the crews of all the ships in the harbours of Kingston and Port Royal, and having received it was able to sail again for Porto Bello on December 29 (p. 212). He was back again in Jamaica on February 8 with fresh demands for men, but this time the Council was reluctant to supply him, for the pressing of the 1,000 seamen he had already taken had raised a considerable opposition among the merchants of the island (433, 438, 438 i). Men had been taken out of all the ships coming from the Northern colonies except those from New York, and the Council feared that this would lead to a dearth of provisions by the discouragement of their voyages, and requested that Hosier should be supplied with seamen direct from England (438, 438 i). In July 1727 Jamaica reported that all that they had heard recently of Hosier's movements was that he was still lying off Cartagena (639), but a report that came from Governor Hart at St. Christopher's must have caused the Government considerable anxiety as showing that the blockade had failed of success.

Escape of the Spanish treasure.

A small Spanish vessel coming from Havana had been wrecked at Barbuda, and her master informed the Governor that he had sailed in company with Admiral Castinetto with eight ships of the *flota*, which were said to have sixteen millions of pieces of eight on board. According to him, as soon as Hosier arrived at the Bastamentas before Porto Bello, the galleons were unladen and the treasure on board them was carried by land to Cartagena and various other Spanish ports whence it was despatched in small vessels to Havana and the *flota* was made up there. Castinetto sailed for Cadiz on February 25, and Governor Hart sent the information home by the very first ship sailing for England from the Leeward Islands, his letter of March 5 being received by the Board of Trade on May 15. The succession of dates is of interest as showing how slow was the transmission of news even of urgent importance. (464, p. 230).

War with Spain without a formal declaration.

The Governor of St. Domingo had already begun to issue commissions to Spanish vessels for attacks upon the English islands and ships (464, 503) and in April Governor Hart informed his Councils that he believed that war was unavoidable in view of the King's Speech to Parliament, of which he had just learned; in fact that it had already begun with the siege of Gibraltar. (p. 246). President Middleton of South Carolina heard of the siege of Gibraltar *via* Madeira early in May, but the Council of Antigua was of opinion that as no advice of a formal declaration of war had been received, a state of peace still prevailed. (503 vi). A circular letter to the Governors of the colonies was prepared by the Board of Trade in May 1727 informing them that we were in a state of war with Spain (575), but it was not sent, as we learn from its endorsement, and though we have complaints from the Governor of various colonies during the autumn of the evil effects of the war upon their trade (*e.g.* 649, 661, 699, 807), there does not appear to have been any formal notification of the state of war that is included among these documents.

Relations with France.

Relations with France were generally less uneasy than they had been in the immediately preceding years at the time of the Indian War, and the points of difference that arose were confined to individual colonies and will be considered in later sections.

Decline of the functions of the Board of Trade.

The Duke of Newcastle, being Secretary of State for the Southern Department, was in general charge of colonial business, and, as was remarked in our previous Introduction, the papers that remained in his hands and are now preserved in the British Museum are an essential complement to the documents in the Public Record Office which alone are calendared here. Newcastle was steadily gathering colonial patronage into his own hands, and the Board of Trade and Plantations was losing power and being thrust into the background. The Commissioners acted merely as agents for the transmission of representations from the colonial Governors to the Secretary of State or to the Lords of the Treasury, as for example when Governor Burnet of New York and New Jersey asked them to apply to the King for orders concerning the encouragement of undertakers for the discovery of gold and silver mines in New Jersey. They replied that until they had laid the Governor's representations and the proposals of the undertakers for working the mines before the Lords of the Treasury they were unable to make any motion in the matter (456).

Newcastle's patronage.

Many of the letters that were sent to beg for Newcastle's favour show that the suppliants had reason to believe that he might waive the strictness of official rules on their behalf (57). He secured the appointment of his clients to offices in the colonies that they had no intention of executing in person (*e.g.*, 106), and frequently intervened to recommend the favourable consideration of petitions that, strictly speaking, should have been the subject of judicial decision (*e.g.*, 174, 236). That he often carried out business without informing the Board of Trade of what had been done is shown by a complaint of the

Commissioners in which they represented that they had sometimes found themselves under difficulties for want of being informed of such Commissions, Orders or Instructions as might have passed in the Secretaries' Offices for persons and matters relating to the Plantations. They therefore prayed the Duke to issue directions that proper notice should be given to the Board of all such Commissions, Orders and Instructions for the advancement of the King's service (682). At the command of the King the Board forwarded an account of its establishment and business (600), but this has not been printed here *in extenso*.

The Colonies and the Accession of George II.

The correspondence with the colonies that followed the accession of George II to the throne in June 1727 fills a large place in the latter part of the volume. George I died on June 11, and a fortnight later the Board of Trade was ordered to see that letters for proclaiming his succession be forthwith conveyed to the several Governors by two vessels appointed for that service (611). The circular letter ordering the public proclamation was signed and despatched to the various colonies on July 11, and it provided for the continuation of all officers in their employments until further notice. (634). The actual proclamation took place in different colonies on varying dates which were sometimes much delayed. Thus in Maryland Lieutenant-Governor Calvert had upon the advice of his Council read a proclamation of his own in Annapolis and in several of the counties on September 14 and succeeding days, but he did not receive the first packet enclosing the orders from the Board until November 5 and its duplicate until three days later. Calvert asked the Board to pardon the irregularity of his forwardness, for New England, New York and Pennsylvania had proclaimed before Maryland, and the colonists did not wish to be backward in professing their allegiance. (839). This letter was not received in London until 5 March 172$\frac{7}{8}$ and was not read until May 8, another exact illustration of the long delays that prevailed even in important but quite uncontroversial matters of colonial business.

Festivities at the Accession Proclamation.

There are accounts of the festivities accompanying the proclamation of the accession of the King in most of the colonies, and the celebrations in St. Christopher seems to have been typical. The orders for the proclamation were received on September 21 and two days later Lieutenant Governor Mathew met the Council and all the principal inhabitants on Brimstone Hill, above 400 persons in all. The three Companies of Foot stationed in the island were drawn up under arms, and while the proclamation was being signed by the Council and two hundred of the principal inhabitants* the flags were at half-mast and 140 minute guns were fired as a melancholy duty to the deceased sovereign. At noon the flags were hoisted to the top of the staff, the proclamation was read, all the cannon in the island were fired off simultaneously, and the three companies of Foot fired volleys amid the acclamations of the assembled crowds. The Governor entertained as many to dinner in his house as it would hold, and the rest sat down in arbours built around. The afternoon was spent in drinking health and prosperity to the Queen and all the Royal Family, and at dark a very great English bonfire was lit on the hill and as many fireworks were discharged as the slender resources of the island could furnish. Similar festivities attended the proclamation in Nevis and Montserrat on September 26 and in Antigua on the 30th, where 200 persons were entertained to dinner at the public expense. The bonfire there had been prepared in the market-place in the town of St. John's, but the night proved stormy, and it was feared that it would endanger the safety of the town, which was mostly timber built. The diversions therefore ceased at nightfall. The poor inhabitants of Anguilla could not afford so elaborate a celebration, but decent ceremony was employed on October 7 to accompany the reading of the proclamation. Tortola and Spanish Town, the remaining occupied English islands of the Leeward group, had to carry out their ceremonies without the presence of the Governor (737).

Barbados and prayers for the Royal Family.

Barbados was rather pedantic in its proceedings when the proclamation reached the island in the middle of October. The orders were not accompanied by any direction for altering the form of prayers for the Royal Family, and as by the Act of

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* The signatures attached to the proclamations from the various islands (737. i–vi) afford a rough census of their leading white inhabitants at the period and may therefore be of use to genealogists.

Uniformity no alteration could be made in the service without lawful authority, the clergy prayed for King George in the prayers that had regard to him, and in others for the Royal Family, though in their prayer before the sermon, to which the Act of Uniformity did not extend, they prayed for King George, Queen Caroline and the rest of the Royal Family all together. (p. 377). The Assembly told Governor Worsley that according to the proclamation for continuing persons being in office at the death of the late King, they could not sit after December 11, and that after that date there could be no Government in Barbados and the island must fall into anarchy, an interesting indication of the political theories prevailing in the colonies at the period, that all government must depend upon the exact terms of legal instruments. However, the Governor was not unduly alarmed, for, as he pointed out, on the decease of Queen Anne the same question had been raised, but for nine months the government was continued without trouble. Upon the death of Charles II and upon the accession of William III the proclamations had been in somewhat different terms and the difficulty did not arise. (p. 379).

New seals for the Colonies.

New seals had to be prepared for each of the colonies, and in November 1727 John Rollos, his Majesty's seal cutter, received a warrant to commence the work, each of the new seals being particularly described. (791).

Colonial business in the office of the Secretaries of State.

According to the agreement for the division of business between the two Secretaries which has been mentioned in previous Introductions, practically all colonial business was dealt with by the Duke of Newcastle as Secretary of State for the Southern Department, but there was no formal division of function, and upon occasion Lord Townshend, the Secretary of State for the Northern Department, countersigned commissions or gave orders to the Board of Trade and Plantations (*e.g.*, 602, 603, 663, 677). The Secretary of State was assisted by two Under-Secretaries, and we find Charles Delafaye and Temple Stanyan described as "the two Chief Secretaries to the Duke of Newcastle" (p. 171), while upon another occasion Temple Stanyan was spoken of as "his

Grace's Secretary for H.M. Plantations" (p. 173). We know that Stanyan was also serving as Clerk of the Privy Council, while Delafaye acted as Secretary to the Lords Justices. It is clear that there was at this date no exact division of function within the offices of the Council and Secretariat. The group of officials (or, as we should now call them, civil servants) serving the Council and the Secretaries of State were as undifferentiated in function as they had been in the sixteenth and seventeenth centuries.

Committees of the Privy Council.

There are very frequent mentions of Committees of the Privy Council as discussing colonial affairs without any specific title being attached to them, but reference to the *Acts of the Privy Council, Colonial Series*, 1720–1745 shows that there were two such Committees of the Council at this period, and that they were doing a good deal of work. The first was called the Committee for Plantation Affairs and its discussions and orders referred to much the same sort of business concerning trade and plantations in general that were dealt with by the Board of Trade (e.g., *A.P.C. Col.*, p. 153). There was a Committee of the Council for Appeals during the reign of George I, but on the accession of his successor it was re-appointed more formally by an explicit Order-in-Council (5 July 1727). The whole Privy Council or any three of them were appointed a Committee for the Affairs of Jersey and Guernsey, for the hearing Appeals from the Plantations, and for other matters referred to them. A little later, (20 September 1727), a similar committee was appointed to hear appeals from sentences in prize cases in the Admiralty Courts of Great Britain or in the Plantations in America (*A.P.C., Col.*, pp. 158, 159). Special matters were sometimes referred to Committees appointed *ad hoc*, and it is necessary when a committee is mentioned in the documents calendared in this volume to refer to the Acts of the Privy Council to ascertain which of the various committees was actually dealing with the matter.

Colonial Appeals.

The question of Colonial Appeals was one of great importance and had frequently been considered in earlier years, but it is possible that the reform just mentioned was accelerated by a very cogent representation from the Council and Assembly of Virginia in 1726. In a mercantile case arising in the colony judgment in favour of the defendants, who were resident in Virginia, was given by the General Court, but the Privy Council reversed this judgment on appeal, after referring the accounts in the case to four London merchants for examination and report. They had stated their opinion that the items of interest and insurance that were in dispute were fair and reasonable according to the usage of merchants trading to the Plantations. But the Virginians maintained that there was no such usage in their colony, " but that in actions at the Common Law no plaintiff hath any other allowance of interest but such as a jury shall think fit to assess in damages, who by the laws and customs of England (to which our proceedings do, as near can be, conform) are the only proper judges thereof." The examining by merchants of the judgments of the General Court given according to the rules of the Common Law had never been allowed or established, " but the King's subjects in the colony have always without interruption had and enjoyed the benefits of a legal trial by juries in all actions at the Common Law." If in like cases coming before the " Privy Council by appeal the reports of merchants, who are under no obligation of an oath and are ever inclined to favour one another, be admitted to overrule the verdicts of legal juries, [the colonists] will be liable to whatever charges and impositions their factors and correspondents in Great Britain think fit to load them with." The petitioners therefore prayed his Majesty " to establish for the future such a regular course for examining and reforming the judgments given in the Supreme Court [of the colony] that his subjects of this Dominion may still enjoy the benefits of trial according to the laws and customs of England under which the Colony was happily planted and which they account one of their most valuable privileges." (216 i, p. 117).

Courts of Vice-Admiralty.

It will be remembered that in the constitutional disputes after the middle of the century the Courts of Vice-Admiralty which sat without a jury were regarded by the colonists as a serious grievance, but in 1726 they were apparently not used to any great extent. In a description of the Courts of Virginia supplied by Lieutenant-Governor Drysdale he said that "the chief business of [the Court of Vice-Admiralty] is prosecutions of ships for breaches of the Acts of Trade and suits for mariners' wages. It is a Court that has very little business, and perhaps the less, because its jurisdiction is as little known as the methods of proceedings therein. Yet it is to be wished that some certain forms were established for the better regulating thereof, it being a judicatory absolutely necessary for the better putting in execution of the Acts of Trade." (183, p. 90).

In Massachusetts the judges of the Supreme Court prohibited the proceedings of the Vice-Admiralty Court in relation to seizures for breach of the Acts of Trade. They declared that the matters laid in the said informations ought to be tried in the Courts of Common Law, the contention that was to be so frequent during the next fifty years. (59, 59 i and ii).

Enforcement of the Acts of Trade.

Questions in relation to the enforcement of the Acts of Trade occupied much of the attention of the Board of Trade, but they were generally of a similar character to those referred to in earlier volumes of the *Calendar*. One point came up, however, that seems to have been new. Certain Deputy-Governors who were serving in the colonies in the place of absentee Governors had not taken out the bond that was required by the Acts of Trade, but the Board insisted that they should do so and provide two securities of 2,000*l*. each that they would not during their tenure of office act as merchants on their own account or serve as factors for others (92, 105).

Governors' Instructions.

The preparation of Governors' Instructions to fit the diverse circumstances of individual colonies was an elaborate process that demanded much discussion by the Commissioners, for they were regarded as fundamental instruments in each colony's government. (97, 467, 487, 496). In the case of absentee Governors this gave rise to difficulties. The Earl of Orkney had long been Governor of Virginia, but was non-resident, and the actual duties were carried out by a series of Lieutenant-Governors. The Commissioners desired that his Instructions should be regularly given to every succeeding Lieutenant-Governor until a new Governor was appointed. In addition, the Earl of Orkney's commission ought to be delivered to the Lieutenant-Governor and entered in the Council books in Virginia, for it was the only warrant for the President of the Council taking upon him the Government in case of the death or absence of the Lieutenant-Governor (496). George II on the nomination of Lord Townshend re-appointed Orkney as Governor of Virginia, and this afforded an opportunity for the re-casting of his commission and Instructions to be handed to his deputy. (*Journal of Commissioners of Trade and Plantations*, 12 August 1727, p. 347). New Instructions had recently been prepared for Major-General Hunter as Governor of Jamaica (*vide* Hunter), and those for Col. Montgomery as Governor of New York and New Jersey were being dealt with at the same time. (*vide* Montgomery). It is interesting to note how the Board of Trade discussed the provisions of one Governor's Instructions in relation to those of the Governors of others colonies, and how much correspondence was involved between the Secretary of State and the Board. Some of the letters are of considerable length (e.g., 825 i), and read in conjunction with the Journal they indicate how assiduous the Commissioners were in the performance of this important part of their work (97, 467, 487, 496, 718, 726).

Offices served by deputy.

Unfortunately, however, this cannot be said of much of the colonial administration. The evils of permitting offices in the colonies to be served by deputy were rampant, as we have noted in earlier Introductions. The patentees were not always absent from the colonies, but were usually resident on the spot though executing their duties by deputy. In Virginia there was only one absentee patent officer, the Auditor-General of the Plantations, whose office must always be thus exercised, since the several parts of his province being so remote from another, it was impracticable for the Auditor-General to act in all places in person. (p. 91). But the patent system was growing, and the evils of patronage were biting deeper and deeper into the body politic. The Secretary of the Colony of

Virginia had always been appointed under pleasure and was very much dependent on the Governor and assistant to him in the service of the Crown. But with the Earl of Orkney as an absentee and the rapid succession of Lieutenant-Governors the Secretary took advantage to get his patent made into one for life. As he had the absolute disposal of no less than 28 clerkships of counties which were held only during his pleasure, he had great political influence. He could get each of his clerks returned one of the burgesses for the several counties or gain one burgess in each county by the gift of the clerkship and so have one half of the lower House of Assembly entirely in his interest and ready to vote as he directed. (p. 91). The vices of parliamentary patronage were clearly no monopoly of Newcastle and his clients in England.

Deputy Secretary of the Board of Trade rewarded by a patent office.

Though the Board of Trade knew of the evils of the patent system and were constantly urging the Governors to check them, they were not themselves immune. When Alured Popple was appointed to succeed his father as Secretary of the Board in 1722, the Commissioners had protested against the passing over of Benjamin Wheelock, their Deputy Secretary. Five years later six of the Lords Commissioners wrote to the Duke of Newcastle, "as private gentlemen and not as Commissioners for Trade," recommending that as a recompense Wheelock should be appointed to the office of Clerk of the Markets of St. Jago de la Vela and Port Royal in Jamaica, "so inconsiderable an office that it has never yet been granted under the Great Seal." (192). It was clearly impossible for Wheelock to perform the duties of the office in person, and the Commissioners were therefore proposing a further extension of the patent system which led to such unfortunate abuses. However, the appointment went through in due course, and Wheelock received his patent. (561, 581).

Abuse of fees in the Colonies.

The appointment of deputies to exercise patent offices in the colonies not only led to inefficiency in the performance of the service of the Crown but also to much abuse by the charging of exorbitant fees. The Assembly of Barbados, for example, presented an Address to the Governor protesting against the "severe and unparalleled grievances and oppressions [occasioned by] the Patentee Officers farming out their offices to persons generally of but small fortunes who have taken an unlimited power in exacting exorbitant fees contrary to the laws" (808 i), but although the Governor by his Instructions was directed to take special care to regulate the officers' fees and to see that no exactions be made upon any occasion, he advised the Duke of Newcastle not to take any action upon the Assembly's Address. By another item in his Instructions he was directed to countenance all Patent Officers in the enjoyment of their legal and accustomed fees, and he told the Duke that he had always favoured their deputies and supported them in their rights. (808). Fees were, in fact, regarded as property, whether they were paid to patent officers or their deputies, and the sacred rights of property were pre-eminent, whether the duties of the office were properly performed or no.

A glaring example of this appeared in Virginia. Colonel Jennings held the office of President of the Council, but he was afflicted by a palsy which for two years deprived him of his memory and understanding, and he had fallen into a low estate by reason of great debts in which he had become involved. The office of President of the Council was very important because, in the incapacity of the Lieutenant-Governor by reason of illness or absence, the President was called upon to exercise the government of the colony. Colonel Jennings was notoriously incapable of exercising his functions, but Lieutenant-Governor Drysdale could not compel him to resign and only determined to suspend him with very great trepidation, probably because Jennings' creditors would raise an agitation against the measure as likely to deprive them of their hold upon his salary and perquisites. (p. 113, and nos. 228, 230). The danger that Drysdale foresaw eventuated, for he died before Jennings was removed from office, and it was only by a fortunate chance that the suspension had come into effect and the government of the colony passed into the hands of Robert Carter, who was capable of exercising it, and not into those of a patentee who had for years been incapacitated by age and infirmities but, holding his office by patent for life, could not be removed. There can be no doubt that much of the inefficiency of colonial government arose from this ancient but vicious system.

Purchase of places.

Places were bought and sold without concealment, although, as the Assembly of South Carolina resolved, "the buying and selling of places relating to the Courts of Justice is of the utmost ill consequence and very much to the dishonour of his Majesty" (32). Arthur Middleton, President of South Carolina, administering the Government in the absence of Governor Nicholson, suspended the Clerk of the Crown and the Vendue Master and sold their offices. He tried to obtain 400*l.* for the office of Provost Marshal, but only succeeded in getting 200*l.*, (22) and when the scandal was reported to England, he frankly admitted it and practically claimed that he was within his rights. Couliette, the extruded officer, who had held the office of Clerk of the Courts of Common Pleas, petitioned the Assembly against Middleton's action, and the President acknowledged that he had taken money as alleged. His defence casts a livid light on the sort of thing that went on. As Couliette was unfit for his post, he wrote, "I thought that if I did turn him out, whoever had it should give something for it. This I did openly and not underhand, and I received a present of 200*l.* for it, and that without asking for, and this is the great crime the Assembly [complains of]. This place and the Marshal's place have been always looked upon as perquisites to the Government, and something has been always given for them, and how it now comes to be a crime in me, I can't tell." (33). Middleton admitted that Governor Nicholson did not sell places, but that was his own goodness and he spent many thousand pounds in the colony more than he got, and obviously one who could not afford it could hardly be expected to be so scrupulous (33, 393). Middleton's excuses were apparently accepted, for he was still administering the Government a year later (698), and no reproof from the authorities in England appears to have been administered to him.

Constitutional disputes in the Colonies.

Turning from this unpleasant topic of corruption in the colonial service to matters of constitutional interest we find the papers filled as usual with accounts of disputes between the different authorities. Faction was rife everywhere, and especially in the Southern colonies and the West Indies the violence of the incessant quarrels that went on was remarkable. The Assemblies in almost every colony were constant in their accusations against the Governors and their Councils. Barbados was particularly noticeable, and the attempt of its Assembly to have their way by "tacking" clauses to money bills is of constitutional interest far beyond the limits of that colony. Governor Worsley explained the pretensions of the Assembly to the Duke of Newcastle in a long letter (655) that is full of interest, but we need only quote one passage. The Assembly proposed to "tack" certain provisions to an Excise Bill, "whence they will assume to themselves not only the power of raising money and appointing the uses of it, but may create as many offices and officers as they shall think fit in their Excise Bill, and if the Governor and Council should not give their consent to it, the only money bill for the support of the Government must be lost. They talk also of passing a self-denying bill and of tacking that to their Excise bill. In one word, this part of the world is infected with the maxims of the representatives in New England; they put themselves upon the very same foot with the Parliament in Great Britain. If I mistake not, H.M. Commission and Instructions to me are the foundation of this Government in which H.M. commands me to let them enjoy the privileges which the English have by the Magna Charta and Habeas Corpus Acts, which commands would be unnecessary if they had otherwise a right to them. Nor do I find any power there is of holding Assemblies in [Barbados] but by H.M. Commission, nor do I conceive any right they have of forming any rules to themselves that can in the least tend to an encroachment upon H.M. prerogative, which the Crown has always asserted in Great Britain. I am sure the proceedings of these people here, if some stop be not put to them, must in time weaken their dependence on the Crown of Great Britain." (pp. 325–6). The echoes of constitutional controversies from the seventeenth century had certainly not yet died away in the colonial assemblies.

Tacking.

The Colonial records.

Points of interest concerning the preparation and preservation of the colonial records are frequently to be noted. Maps and plans were prepared and sent to England for the information of the Government (e.g., 18, 23), and references are given in the *Calendar* to the places where certain of those maps have been reproduced. The others are separately preserved among the records and afford admirable material for the study of the historical geography of the Empire. With the irregularity of communications, especially with the smaller colonies, and the length of time of transit the Governors were often uncertain whether their letters had safely reached the authorities in London. Seeing the long delay that frequently elapsed before the letters were read to the Board of Trade and answered, as we can judge from the entries in the *Journal*, the haphazard character of the correspondence was not remarkable. But sometimes there was wilful interference with the letters, as Governor Hart reported from St. Christopher. (151). He begged that a special notice of the receipt of his letters might be sent at once, for certain designing people had held up letters from and to him until they had secured their own ends. The Duke of Portland also gave evidence of this abuse and of similar leakages of official correspondence in England. As he wrote "I myself have seen whole paragraphs copied out of my letters to your Lordships that have been transmitted to private persons [in Jamaica] from England, and agree almost verbatim with the originals." (p. 81). It was impossible for the Governor to write confidentially where such abuses occurred, and the Duke implied that the Board of Trade ought to exercise a stricter control over its officers.

Colonial Statistics.

The Commissioners were constantly dunning the Governors for statistics, and the more trustworthy of them had often to reply that their own records were necessarily so imperfect that they could not supply complete data. Doubtless the calculations of the Board give a fair average conspectus of the trade movements that were going on, but it is certain that it would be unsafe to make deductions from them in detail. There were, for example, serious discrepancies between the accounts of the furs exported from New York as reported by the Governor and the returns of the Custom House. When the Board of Trade looked into the matter, it turned out that the statistics were kept upon a different plan, and direction had to be given that the Custom House method should be adhered to in both cases. (177, 178). The principal statistics specially asked for by the Board during the period related to the importation of negroes and these are referred to later.

Inordinate demands for papers.

The Governors frequently complained of their difficulties in supplying the incessant appetite of the Board of Trade for papers. They could send their own letters in duplicate to guard against the uncertainties of transport, but they found it almost impossible to supply duplicates of all the papers that were asked for; the copying in duplicate of transcripts of the records of the various Councils and Assemblies must have imposed incessant labour upon their clerks (359, 771). In the newer and still unorganised colonies like the Bahamas there was a complete lack of precedents, and this had to be supplied direct from other colonies (170). The records of the Bahamas, however, were steadily accumulating, and the Governor reported that the Council book was swelled to a large folio. The clerk had no assistant, and the task of making two copies each for the Board of Trade and the Secretary of State's offices was so formidable that it was impossible to keep up with it (23). However, many of the duplicates survived, and this accounts for a great deal of the repetition that characterises the files of documents now preserved in the Public Record Office. In the West Indies the losses of papers during recurrent hurricanes were sometimes serious (e.g., p. 146) and they explain many of the gaps that now exist, especially among the statistical papers. The general impression left by the collection is that of an ant-hill of incessant industry in quill-driving, and the difficulty of the historian is rather that of forming a comprehensive, synthetic view of what was occurring than of finding documentary material to explore.

Petitions to the Crown.

Minor topics of interest are numerous and we can only quote a few. The Governors had often to forward petitions to the Crown with which they did not agree, for it was the rule that all applications to the Throne from the Plantations must pass through the hands of their Governors. The Lieutenant-Governor of Virginia customarily sent copies of such applications to the Secretary of State and forwarded the originals to the absentee Governor, the Earl of Orkney, for him to pass on (216). In July 1726 he forwarded in this way a supplication from the Reverend Mr. Blair, President of William and Mary College, for the Royal bounty to the College, and added that Mr. Blair would also call upon the Duke of Newcastle and would doubtless find how great happiness it was to that good work that so great a patron of learning as his Grace was entrusted by His Majesty with the care and protection of the Plantations (216).

Spelling and shorthand.

Among the many peculiarities of spelling that are to be found here and there among the documents, the letters from the Earl of Orkney are unique among those from men of education. In one of his letters to Newcastle we find "tack" for take, "phesetians" for physicians at the Bath, "your very good freend Sir Robert Walpoole," "colloney" and "a generall loss to loose soe worthy a man." Such spellings may have been either careless or merely old-fashioned, but in 1726 they were unusual in polite letters (139). Spelling had, in fact, settled down to something not very different from the modern form. Shorthand is mentioned as being used upon one occasion in a colony, when the Deputy Secretary of Barbados wrote that he had taken down certain examinations word by word by himself in shorthand while his two clerks were writing them in longhand. (131).

"Wood's half-pence."

Many references to paper currency in the colonies occur as in earlier volumes, but there were no new measures of especial importance taken to deal with them. The shortage of specie throughout the Plantations was such as to render difficulties in regard to the currency chronic. (See especially, 143, 181, 366, 377, 426, 431). Wood's "halfpence" were little more welcome in the Plantations than they had been in Ireland. Governor Worsley of Barbados wrote that Wood's deputies, having bought a quantity of the coins to the value of 400*l.* sterling, proposed to the Deputy-Postmaster of the island that he should put them off at pences, twopences and threepences. But although the currency of Barbados was badly depreciated, the new coins could not be put into circulation at that rate, and the Deputy-Postmaster had to suggest that they should be circulated as farthings, halfpence and pence only (111). However, Newcastle was pressing for assistance to Wood in his project and the Governors had to promise to do the best they could (111, 171).

Conviviality.

As a relief from the incessant tales of disputes between Governors and Assemblies it is refreshing to find Governor Nicholson writing from London to one of his supporters in South Carolina "I have given Captain Massey [who is going out to the colony] two guineas, as I have done two others to Mr. Splutt to drink with yourself and the Honourable Gentlemen of the Commons House of Assembly, and when it is doing, to be present with you would be acceptable to [me]. I hope the Burton ale I sent by Mr. Clarke for you proved good." (356).

§ II.

THE AMERICAN COLONIES.

Newfoundland. Heads of Enquiry.

The usual Heads of Enquiry were sent to the Commodores on the Newfoundland station. Captain Bouler, the Northern Commodore in 1726 and 1727 practically repeated the answers to the enquiry of 1725 (306, 553, 743), and the only notable fact during his period of service was his attempt to check an abuse that was a serious cause of complaint among the fishing merchants of the Western ports. They sent out annually experienced seamen with their boats in charge of the "green" hands who were new to the fishery. During the course of the season the masters of the New England ships that were visiting Newfoundland to fish or to carry on trade with the fishermen tempted away the English sailors with the promise of high wages or a larger share in the profits than the English shipowners paid. In order to put a stop to this practice which, it will be recalled, was such a constant irritant in Anglo-American relations at the end of the century, Commodore Bouler compelled the New England shipmasters to enter into bonds of 500*l.* each not to carry away men without his express permission. (553 i).

Troubles at Placentia.

Commodore John St. Lo's replies to the Heads of Enquiry for 1727 for the South Coast of Newfoundland are more illuminating (721). The outstanding event of St. Lo's commodoreship was his attempt to bring about order and discipline in the Placentia settlement. In February 1727 the merchants of Barnstaple and Bideford trading to Newfoundland petitioned the King for redress against the malpractices of Samuel Gledhill, Lieutenant-Governor of Placentia. Though by his commission he was forbidden to intermeddle with the fishery, he had made arbitrary exactions for rent for fishing stages, had taken all the business of the town into his own hands and discouraged all substantial planters from settling there. By his encouragement of public, disorderly houses he had debauched and impoverished the fishermen and misused his power as Governor to imprison and oppress any who opposed him. (451 i). The Board of Trade had already had many complaints against Gledhill, as appeared in our previous volume, and they now expressed the opinion that he should be at once recalled (478 i). Commodore St. Lo was instructed to enquire into the matter, and in August he sent to the Board copies of the correspondence that had passed between him and Gledhill which is marked with a careful restraint on the part of the Commodore and abusiveness from the other that amplified proof of the justification of the complaints against him. (674, 674 i-viii, 721). St. Lo was not daunted by Gledhill's abuse, but attempted to settle new planters at Placentia and bring the settlement into good order so that the valuable fishery that went on from it might be improved and fully exploited (786). He recommended the abandonment of the fort and garrison as a useless expense that cost 20,000*l.* loss to the revenue. The settlement was the scene of a great deal of illicit trading, especially in wine and brandy, between the New Englanders and the French from Cape Breton (pp. 364, 365), while the favouring of French fishermen destroyed all chances of success for the new fishing enterprise at Canso in Nova Scotia, which suffered gravely from New England competition (p. 364).

The Canso fishery.

Canso was, in fact, a very unsuccessful enterprise, for not merely did its fishery suffer from French, New England and Newfoundland competition, but its communications suffered from the attacks of pirates who preyed on the ships in the Gulf with impunity because the convoy man-of-war from Newfoundland never appeared off the settlement till the beginning of September when the Nova Scotia fishery was over and the fishing vessels had departed (51). Lieutenant-Governor Laurence Armstrong endeavoured to encourage the Canso fishery as far as possible in the face of this discouragement and the tendency of London merchants to purchase their supplies of fish in New England, (p. 123), but he was also very much busied with the ratification of the peace with the Indians at Annapolis and the raising of funds to provide presents for the tribes to ensure their observance of their engagements and the reservation of their fur trade for British merchants in place of the French in Cape Breton to whom they had formerly sold their furs (p. 123). Armstrong was also much troubled about the French inhabitants of Nova Scotia who steadfastly refused to take the oath of fealty to the British Crown. They were firmly resolved not to give way and would rather leave the Province, in fact many of them had already migrated with their cattle to Cape Breton. The French Governor was surveying the Isle St. Jean (i.e., Prince Edward Island) in order to attract the Acadians to farms there and was using the Jesuits and other missionary priests as his go-betweens. (232). Armstrong, too, had heard through New England from Albany that the Indians on the frontier were again restless, and he feared that there would be a revival of the war. In face of this double danger he pointed out the defenceless condition of Nova Scotia and asked for reinforcements (387). But it was in vain, for the Government was not prepared to spend more on the development of the Province, and it remained with but a handful of British settlers among the French. However, a Committee

The Acadians in Nova Scotia.

of the Privy Council examined the question when the appointment of Colonel Philipps as Governor of Nova Scotia was decided upon in February 1727, and the Board of Trade was directed to prepare a scheme for the civil government of the Province and make suggestions for its better settlement and the preservation of its woods to supply timber for the Navy (440, *A.P.C.*, p. 152). The Commissioners accordingly considered the questions at length, took evidence (see e.g. *Journal*, pp. 331–2), and in June presented an elaborate report (586, pp. 297–301) to the Committee which gives a clear and detailed account of the conditions in Nova Scotia and also affords a valuable conspectus of the prevailing ideas as to the best means of promoting colonisation. No decision upon the proposals of the report had been taken before the end of the year, but one important decision was taken when Colonel Philipps was simultaneously appointed to be Governor of Nova Scotia and the town of Annapolis Royal and Governor of Placentia, thus having power to clear up the misgovernment of Gledhill (602, 603). Lieutenant-Governor Armstrong forwarded a long account of conditions in the colony in November to the Duke of Newcastle, and the Government therefore had full information on which to make their decision (789, 789 i-xi).

Scheme for the civil government of Nova Scotia.

Turning to New England, we find that Samuel Shute, Governor of Massachusetts was still engaged in his long dispute with the Assembly concerning the payment of his salary and arrears. He had come to England on leave of absence, and in March 1726 petitioned the King for definite orders for his payment (65). The Board of Trade recommended the issue of the orders prayed for and advised that Shute should be sent back to New England at the public charge to convey the orders and the royal sign manual to the Assembly in person. The Board obviously had no great hopes of their compliance, for they wrote that if the people of New England would not comply with his Majesty's directions, no other method could be so effectual to reduce them to compliance as to lay a state of the Province of Massachusetts before Parliament (237). New Hampshire, of which Shute was also Governor, should receive

Massachusetts. Governor Shute's arrears.

New Hampshire.

a similar recommendation to pay his arrears and to settle his salary for the future. As that Province was more immediately dependent on the Crown than New England, there were better hopes that the Council and Assembly would comply. A Committee of the Privy Council considered the matter at length, and in February 1727 they reported that the General Assembly of Massachusetts should be commanded to give immediate compliance to the royal order for the establishment of a fixed and honourable salary for the Governor amounting to at least 1,000*l.* per annum, and similarly for New Hampshire 200*l.* per annum. (*A.P.C.*, p. 106). An Order-in-Council was accordingly issued (495), and Governor Shute was commanded to acquaint the Councils and Assemblies of Massachusetts and New Hampshire with its contents. "If they shall not pay a due and immediate regard to our Royal will and pleasure" said the sign manual, "we shall look upon it as a manifest mark of their undutiful behaviour to us, and such as may require the consideration of the Legislature in what manner the honour and dignity of Our Government ought to be supported in those Our provinces for the future." (502).

The threat, however, was entirely without effect, and Shute remained in London while William Dummer continued to act as Lieutenant-Governor of the Provinces and was in incessant conflict with the Assembly on other matters. It was decided in November to appoint William Burnet, the able and determined Governor of New York to replace Shute (773), and in December the Board of Trade set to work upon the preparation of his commission and Instructions (773, 831, 849, *Journal*, pp. 363, 371). They were not finally approved until the end of March in the following year, and Burnet was still acting as Governor of New York when 1727 closed, for his successor, Colonel John Montgomery had been delayed by stormy weather (834, 842).

Disputes with the Massachusetts Assembly.

Among the many matters of dispute with the Massachusetts Assembly it is difficult to single out those which were of especial significance during these years. The pacification after the Indian war gave rise to much correspondence but without much divergence of opinion (95, p. 123, 276, 673). The question of the boundary with New Hampshire, however, led to controversy, and maps were submitted to the authorities in England to support the claims put forward on either side (95, 257 iii, 297, 300, 324, 325). The Commissioners appointed to carry out the delimitation on the ground were unable to agree (257 i), and when Massachusetts demanded the appointment of fresh commissioners, New Hampshire refused point blank on the ground that so many commissions had failed already (506, 506 i). Clearly their fellow colonists found the Massachusetts men no easier to do business with than did their Governors or the Secretary of State.

The Explanatory Charter relating to their power of appointing a Speaker, for which the Massachusetts Assembly had petitioned, was received by Lieutenant-Governor Dummer in December 1725 and formally promulgated by him to general satisfaction (4, 5, 11). Feeling on church matters still ran very high, and Episcopalians and Presbyterians alike suffered at the hands of the riotous Boston mob, as some anonymous correspondents informed Lord Townshend (424). The General Court denied to a very considerable body of Irish immigrants liberty to erect townships on the Massachusetts frontier because, although they were good Protestants, they were not Congregationalists (424). The Episcopal clergymen sent over as missionaries by the Society for the Propagation of the Gospel were denied any opportunity of carrying on their work peaceably, and actual mob violence was used against them when they refused to contribute to the support of the Independent ministers and their meeting houses (p. 316). They forwarded a long petition to the king to complain of the oppressions practised against them (638) and protested that although by the Charter free liberty of conscience was expressly granted to all sects and denominations of Christians, (Papists only excepted), the Independents who held the Government took away by the Acts passed in the Assembly all liberty of conscience and the security of religion and invaded the civil liberties and properties and the rights and privileges promised to all Protestants by the

Religious intolerance.

said Charter (p. 317). The petitioners expressed their belief that if the passage of such Acts were prevented, the members of the Church of England would receive a daily increase and many flourishing Churches would be very soon effectually established in the Province, but this the Independents were determined to prevent by every means, even though they were repugnant to the Laws of England, (p. 318).

Vice-Admiralty Courts.

But it was against the jurisdiction of the Vice-Admiralty Courts that agitation was most riotously directed (424), as was stated in the Introduction to our preceding volume. The riots and prohibitions that were there mentioned resulted in a peremptory order from the Secretary of State to Lieutenant-Governor Dummer on the representations of the Lords Commissioners of the Admiralty for the discovery of the offenders and protection against further like disorders (504, 504 i-iv).

Connecticut and Rhode Island boundary.

The final decision of the Board of Trade in the dispute between Connecticut and Rhode Island as to their boundaries, which was referred to them in 1723, was reached in January 1726 and forwarded to the Privy Council, together with a map, (18). The decision of the Board and the action taken by the Committee of the Privy Council thereupon are set forth at length in the *Acts of the Privy Council*, (pp. 10–16) where the map is also reproduced. (Appendix V at end of *A.P.C.* vol.).

The dispute between North Carolina and Virginia as to their mutual boundary was amicably settled, and an Order-in-Council promulgated putting the decision into effect (279, 281, 494 and *A.P.C.*, pp. 135–7, where the arrangement is set out at length).

Pennsylvania.

There was an echo of a long-standing question concerning the boundaries of the proprietary colony of Pennsylvania when Patrick Gordon received the royal approbation as Lieutenant-Governor in succession to Sir William Keith. Mrs. Hannah Penn and Springett Penn as representing the Proprietors were required to sign declarations that his appointment as Deputy-Governor of Pennsylvania and the Three Lower Counties upon Delaware River should not be construed to diminish the right claimed by the Crown to the said Three Lower Counties (403, 61, 62, 74). Gordon's appointment in Pennsylvania was accordingly approved without limit of time and in the Three Lower Counties during pleasure (113 and *A.P.C.*, p. 124). The Penn family were dissatisfied with Sir William Keith's later actions during his tenure of office, and his successor complained that his remaining in the Province was causing difficulty and disputes (802). The people of the colony were apprehensive of the many ill consequences that might attend the transporting thither from Holland of the great number of Palatines who daily arrived at Philadelphia (367), while the Customs officers complained that certain of the ships that brought them, under colour of transporting the emigrants were illicitly bringing in goods from the East Indies contrary to the prohibitions of the Acts of Trade. (844).

Palatine immigrants.

After the conclusion of the Indian war matters were much quieter upon the frontier of New York. There were complaints that the French were building a fort at Niagara (361, 362) and Governor Burnet replied with a British fort at Oswego. The Acts prohibiting the trade to Canada and encouraging trade with the Indians of the far interior were so ineffectually put into execution by the people of Albany's screening and concealing one another, that the Governor introduced instead differential duties on goods going to Canada from those going to the shores of Lake Ontario, a plan that he found more effective than prohibitions (164). There is an interesting remark of Burnet's which shows how New York still remembered its Dutch beginnings. In his negotiations with the Indians at Albany in October 1726 their speeches were always interpreted into Dutch and then had to be translated into English before they could be recorded by the Governor (307).

New York.

Cosmopolitan New York had no objection to offer to the numbering of its people which showed that there were 34,375 white inhabitants and 6,205 negroes (164 i), but Governor Burnet hesitated to carry out the census in New Jersey, for the people there, being generally of a New England extraction and thereby enthusiasts, would take it for a repetition of the

Census.

sin that David committed, which would bring down like judgments. (164).

Maryland.

In Maryland, on the other hand, there were complaints of the machinations of the Jesuits among the Roman Catholics, and Lord Townshend received an anonymous letter of warning of the dangers of Spanish interference in the colony that would arise if Benedict Leonard Calvert, an educated Roman Catholic, were accepted for appointment as Lieutenant-Governor (501). However, no attention was paid to this prejudiced protest and Calvert duly received the office (see *Journal*).

Virginia.

In Virginia, as we have already remarked, the Earl of Orkney, the absentee Governor, was continued in office. Hugh Drysdale, his Lieutenant-Governor died while holding the appointment (231), though permission had been secured for him to go on leave to Bath in the hope of restoring his failing health (196, 215, 221 etc). William Gooch, his successor, received his appointment in January 1727, but there were long delays in preparing his Instructions and he did not reach Virginia until September (707), the government in the interim being carried on by Colonel Robert Carter, the recently appointed President of Council on Jennings' suspension (214, 225, 298). Before his death Drysdale had sent a long and valuable account of the duties and rights of the various officers in Virginia to the Board to supply their usual enquiries (183). He strongly protested against the grant of his office to the Secretary by patent for life, as we have already mentioned above.

South Carolina.

The sale of offices in South Carolina has also been referred to. Governor Francis Nicholson, having done a great deal to quiet the factions in the colony, was permitted to return home on leave, and the Government was left to be administered by Arthur Middleton, President of the Council. The Lords Proprietors demanded the right to appoint a Governor in place of Nicholson, who, they maintained, had only been appointed *ad interim* to deal with a particular situation (354 i, xii etc). This right was strongly contested by those who wanted a strong royal Governor (354 vi), but no decision was taken during our period and General Nicholson remained in office and was in constant communication with the Board of Trade and the Duke of Newcastle on colonial affairs. There can be no doubt that in him and William Burnet, the outstanding Governors of the time, we can see first-rate administrative officials who would do credit to the colonial service at any period. There are many references among the papers to the unfortunate Swiss settlers who had been recruited under Pury's scheme. They got out to the colony at last, but little thanks to the projector. From Neuchatel news came that a hundred persons, who had been waiting there for a month, having spent their money, wandered up and down the streets, not knowing where to find a dinner nor a bed to lie down upon. Their fury was such that Pury absconded, but the magistrates of the town took pity upon them and enabled them to go further on their way to America, each with a small sum of money in his pocket (356, xxxvii, xxxviii etc.)

Swiss emigrants.

The fort upon the Altamaha River, Fort King George, which had given rise to so many disputes with the Spaniards, had been burned out by accident and abandoned before the outbreak of hostilities in Europe, and there were no land operations undertaken by the Spaniards against the colony, though they did their best to stir up the Creeks and Senecas against the English (354 xi).

The Spanish frontier.

§ III.

THE WEST INDIES.

The long-dreaded crisis had at last been reached in Jamaica without any compromise being arranged in the quarrel between the Assembly and the Government over the Revenue Bills. The period for which the laws of the island had been enacted had run out, and theoretically Jamaica was without laws of any kind. Everything was dependent upon the emergency powers of the Governor and he found the responsibility a very heavy one. "I have hitherto," he wrote in January 1726 "for above a quarter of a year since the expiration of the laws

Jamaica. The constitutional crisis.

taken all proper measures to conduct affairs so as to prevent inconveniences or complaints, and could I be satisfied that the distresses of the Government would not increase or the distraction of the people grow worse, I could continue in the same method and wait with patience for instructions from Home" (p. 10). He believed that he could count upon the countenance and support of the Secretary of State, but it was essential that matters should as soon as possible be put upon a permanent legal footing, for "justice [was] at a stop and people's demands (particularly of those in business from other parts of the world) suspended, if not lost, by persons dying or daily removing or going off and using means to defraud their honest creditors; besides considering the general temper of the common people who are pleased to be freed from the restrictions of any laws and are not within reach of being made sensible of their error, may be liable to create the utmost irregularities, and irregularities so as might call for what might be thought unwarrantable severities to be corrected and set to rights again." This was a dangerous situation, and particularly so because the Governor suspected that those from whom he ought to look for aid were the very persons who underhand were the fomenters of the danger. (16, p. 11).

Constitutional theories.

In April Portland wrote a very long and interesting despatch to the Board of Trade (107, pp. 44-55) which is well worthy of study for the light it throws upon the constitutional theories of the time and for its anticipation of the disputes of forty years later that preceded the American Revolution. The tone and arguments of the Assembly are identical with those at the period of the Stamp Act and they go to prove that many of the troubles from which the Governors suffered were inherent in the situation of a colonial empire and could only be solved by prolonged experiment.

The Assembly's method of dealing with the lawless state of the colony was to pass a perpetual revenue bill, while the Governor was instructed to secure an annual bill until all the points of disagreement were removed. But the malcontent leaders "resolved and insisted never to give in to a practice of being yearly tenants for their rights and privileges, but rather venture to sink than to depart from any attempt to have them perpetual, not doubting but by this to confound matters so as to make everything desperate" for the Governor. They gratified and deluded "the populace with the specious notions of rights, liberties and privileges" and thus obtained "a sort of tribunitial authority." "They have inculcated the strongest prejudices and jealousies against Instructions in general, where the least restitution appears, as if intended by degrees to introduce precedents by which they may in time be deprived of all rights or liberties." (p. 48). Out of all the various factions a kind of Association or Con-juration was formed not to depart from their claim for a perpetuity bill, and in the end Governor Portland thought it best to assent, while reserving the bill for the consideration of the Home Government. At the end of the despatch of April 11 he besought approval for what he had done in this difficult emergency for which his Instructions had not provided. On June 1 he repeated this request (159, 160) in what proved to be his last despatch. The strain of the long and embittered conflict had worn him out and at the beginning of July 1726 the Duke of Portland died after a brief illness of only six days. (217). The government of Jamaica passed into the hands of John Ayscough, President of the Council, and it was fortunate that there could no longer be any contention that the island was without laws, since the new Revenue Act to which Portland had assented was in operation. Ayscough's administration of the Government saw something of a lull in the constitutional disputes, though no settlement could be reached (519, 520, 639).

Death of the Duke of Portland.

In February 1727 Major-General Robert Hunter was appointed to the Governorship (435) and work was begun upon the preparation of fresh Instructions to deal with some of the disputed points (462 i, 588, 641, 658, 726, etc.). Hunter did not go out until the following year and during the interim the bulk of the correspondence from Jamaica was very much less than it had been under Portland; in fact, from October 1727 to the end of the year no despatch thence was received either by the Secretary of State or the Board of Trade.

Foreign ships in Jamaican harbours.

As has been noted in earlier paragraphs, Jamaica was closely affected by the disputes with Spain and the beginning of the war. Before it had begun there was a change in the island's traffic that indicated that other nations were affected besides the English. In Portland's despatch of 11 April 1726, he wrote "Dutch, French and other ships, of late come here [i.e., to Kingston and Port Royal] more frequently than formerly and that is manifestly occasioned by the greater strictness of the Spaniards than has heretofore been usual in keeping them off of their coasts. Some of them, disabled by engagements with the Spanish cruisers, and others for the want of wood, water or other necessaries, have been obliged to resort hither for supplying their wants." As it seemed inconsistent with H.M. treaties and the Law of Nations to deny them that access or the relief their necessities required, he allowed them to enter the island's ports but refused them a liberty of selling any goods whatsoever otherwise than by the Naval Officer. Very few of them desired the liberty, for they were mostly provided with ready money. The frequency of their access sometimes gave room to suspect that their necessities might be pretended, and therefore the Governor to prevent illicit trade compelled them in every case to make oath that they would neither sell or permit any part of their ladings to be sold, contracted for or delivered to any of the inhabitants of the island. (107, pp. 54–5).

Barbados. The coffee trade.

Governor Worsley of Barbados was still suffering as usual from the cabals against him (127), but no new points of importance appear in his despatches. A letter of April 1727 gives interesting details of some of the subterfuges attempted to evade the regulations against illicit trade under plea of necessity, and the point also appears that coffee was now being dealt in in very considerable bulk. (509, 540).

The Bahamas.

The Bahamas were still without many of the organs of government and the inhabitants renewed their petitions for an Assembly, or a resident surveyor who should have power to grant valid patents for land, and additional soldiers and supplies for the fortifications of the islands in view of the fact that, as in the late war, they were likely to be among the first objects of the Spaniard's attacks. (516 xiii, xvii). The Proprietors, or as the inhabitants called them, the Bahama Society, had long ceased to send any emigrants or supplies to the islands, and under Governor Phenney the settlement was now practically an ordinary royal colony. (516, xvi). The inhabitants were mainly rough sailors who were almost always at sea among the islands carrying on their trade of wreckers and sponge collectors, and the Governor found it hard to get a quorum for his Council. His recommendation of certain persons to fill vacancies gives a glimpse of a community only just redeemed from piracy. "The persons I have returned are men of fair characters, having never been on any unlawful accounts, yet several of them are very illiterate, which is unavoidable here." (23). Captain Woodes Rogers, who had taken the lead in founding the Bahama colony on a solid footing, had never been able to secure repayment of the moneys he had expended on the account of the Co-partners, and in August 1727 he forwarded a detailed petition to the Duke of Newcastle which Lord Townshend had presented for him to the King praying for redress and setting forth a summary of the colony's history. It was referred to a board of General Officers who recommended that Woodes Rogers be placed on half-pay as Captain of Foot from the time when he was superseded as Governor. He could, however, obtain only a fraction of his money claims from the now bankrupt Bahama Society. (686 ii).

Captain Woodes Rogers.

The Leeward Islands.

The old quarrel between Wavell Smith, the patent Secretary of the Leeward Islands and Governor Hart concerning patronage and fees continued (e.g., p. 73 etc.), and the Governor applied for leave to return home and give evidence in person upon the charges that had been made against him before the Board of Trade (p. 73). However, in place of the desired permission for leave it was decided to supersede Colonel Hart (*Journal*, p. 336), and he was ordered to return to England. The Earl of Londonderry was appointed to succeed him (583), and when Hart arrived in London in November 1727 a long series of hearings of the many complaints from the Leeward Islands began before the Board of Trade (*Journal*, p. 367 etc.). The Governorship was perhaps the most difficult, though certainly not the most important post in the colonies. The Leeward Islands were over-provided with administrative and legislative machinery, and in such petty communities family connections and ties of interest bound together the few men of substance into cliques who resented all interference by the sole independent official from outside, the Governor. Practically all the other offices were served by deputy, and the deputies being necessarily resident and receiving only small returns for their work, were dependents of the ruling oligarchy (1, p. 3).

The consideration of the draft commission and Instructions for the new Governor occupied the Board of Trade concurrently with the hearing of the complaints against Colonel Hart, and Lord Londonderry and he were still being consulted personally by the Board frequently down to as late as April 1728 (*Journal*, p. 399). Meanwhile the government of the islands was administered by the Lieutenant-General (i.e. Governor) Mathew who was in command of the garrison at St. Christopher's (610, 612, 805 etc.).

Bermuda.

Colonel Hope was superseded as Governor of Bermuda by a civilian, John Pitt (753 ii), to the disgust of one of Newcastle's clients, Captain Paul George, who had petitioned for the place (57), but was instead only confirmed in the Lieutenant-Governorship of Montserrat (751) to which he had been appointed by the patronage of Lord Carteret (57). "Poor Paul," as he called himself, had little scruples about begging but does not appear to have always been successful.

The Neutral Islands.

The Duke of Montagu pressed Newcastle to obtain a more satisfactory agreement from France with regard to the Neutral Islands than had yet been concluded. He especially urged the partition of St. Lucia between himself and Maréchal d'Estrées which would give to England the best harbour in the West Indies, but he seems to have dropped his designs upon Tobago (574). Horace Walpole, the British Ambassador in Paris was ordered to discuss the matter with d'Estrées and endeavour to adjust the dispute (627, 654), but no result had been reached before the end of the year. The Governor of Barbados, however, was instructed to maintain British claims in all the Neutral Islands in full vigour and to withstand any attempt by the French to disregard them. (205).

The Royal African Company.

One of the principal matters occupying the attention of the Board of Trade during the period was an enquiry into the affairs of the Royal African Company and the slave trade. In February 1726 the Board received from the Duke of Newcastle a memorial presented by the Company praying for assistance in their difficulties and pointing out the hardships under which their trade suffered (*Journal*, p. 219). The fact was that the advantages expected from the acquisition of the Asiento by the Treaty of Utrecht had failed to materialise either for the South Sea Company or the African Company, from whom they had contracted to purchase the negroes who were to be sold to the Spanish colonies, and the whole matter illustrates again the essential connection between the history of African trade and the West Indies. The decay of the Company was generally attributed to the competition of separate traders, and it is interesting to note that the leaders of the latter, who were at once called into consultation by the Board on the reception of the petition, were Bristol merchants, the most prominent of whom was Sir Abram Elton. The Board decided that the questions they were bound to decide fell into two groups (1) Whether it was for the public service that the African trade should be carried on by a Company or laid entirely open? (2) What was the state of the British forts and settlements upon the African coast? (63). To these was later added a third upon which the answer to the first really depended, (3) What numbers of negroes were to be found in each of the British colonies and how were they replenished? (*Journal*, p. 221).

These enquiries led to an elaborate investigation by the Board in which witnesses were called from both the Company and the separate traders and statistics were sought from every colony. The essential conduct of the enquiry is best studied by the use of the *Journal* where the evidence is set forth at length. The papers calendared here cannot be properly understood without constant reference to the minutes which from the central part of this important controversy. When, however, the two sets of documents are dealt with as complementary, they fall into place and reveal in detail such a picture of the colonial trade of the period as can be found in like completeness very rarely in connection with other branches of trade. It is unnecessary to enumerate the papers on the subject calendared in this volume, and those interested in the question may be advised in the first instance to consult the index to the *Journal.*

A. P. N.

July, 1936.

COLONIAL PAPERS.

1726.

Jan. 6.
St. Christophers.

1. Governor Hart to the Council of Trade and Plantations. *Refers to a* letter of 8th Oct., "on several transactions of this Government for your information, which I recommended to my friend Major Holmes, one of the Council of this Island, to whom I gave instructions to speak to several particulars (with your Lordships' permission) which cou'd not be so well communicated in writing: having all confidence in that Gentleman's integrity and capacity, and whose character and fortune (having in this Island £3000 per annum) placed him above the suspicion of acting any thing but what was for the honour and benefit of H.M. service; for which no man had a more affectionate zeal: But to my great misfortune I have late advice that, that worthy Gentleman died soon after his arrival" *etc. Continues:*—As I am lately arriv'd from Antegoa, and finding the ship by which this goes, ready to sail, which I could not detain longer without apparent damage, I must humbly pray your Lordships' patience for about three weeks to procure duplicates of such papers which I committed to Major Holmes' charge. In the mean time, *submits* some short intimation of what I had the honour to write *etc.* In September past there being but six Councellors on this Island, on the death of Mr. Step. Duport, I nominated Charles Pym Esq. in his place, and accordingly swore him into the Council. This Gentleman is every way qualified for that place. As he was Major Holmes' brother in law, I recommended it to him *etc.* But as Major Holmes is dead, I humbly desire your Lordships will now recommend him to be continued. And also pray your Lordships' favour that Thomas Bridgwater Esq. may succeed Major Holmes. This Gentleman has been long Judge of Nevis where he has a good estate: But resides now in St. Christophers on some of the French lands; He is one of long experience in business, and whose advice will be of great use in the Council *etc.* On 26th Sept. (tho' in a very bad circumstance of health) I went up to Nevis in a sloop with about 100 persons on board at my own expence, having advice that there was an intended insurrection of the negroes there, to destroy all the inhabitants: which seasonable and unexpected releif from me, wrought so much upon the affections of the people of that Island in general, that they receiv'd me with

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the greatest transports of joy. And having first examin'd into the intended insurrection of the negroes, who were sufficiently terryfied by the execution of two of them that were burnt, and by the veiw of that quick relief I was capable of giving the inhabitants in any distress from them ; I then proceeded to call the Council and Assembly together, and spoke to them in terms which I thought wou'd be most agreeable, and granted them everything they cou'd reasonably desire from me, without any veiw to my interest : which they were extreamly pleas'd with, and answer'd my Speech in a very affectionate manner, and having resided in that Island some time, and setled all their affairs, I left them in these good inclinations which they still continue to me. Soon after my arrival at St. Christophers from Nevis being inform'd that the Council of Antegoa (for the Assembly were, and are still for making provission for my necessary support) had consented to take me an unfurnish'd house without any other conveniency, but the bare walls and water, I repair'd to that Island, tho' in so weak a condition from eight months sickness, that I cou'd not support myself to walk, but with pain and difficulty, but as I was inform'd there was much buissness in the Chancery Court, I laid aside all other considerations, to expedite and distribute Justice therein; which both my duty and inclination prompts me neither to deny nor delay ; Accordingly I remain'd there, more than two months, untill all the buissness of that Court was determind. Yet I cannot help representing that my expence under the circumstance I am in, from the resolutions of some of the Gentlemen of the Council of that Island, are very unequal to my present appointments ; this last voyage to Antegoa, and the one I made last year, having cost me full £800 sterling : and yet I have not receiv'd one shilling from the publick of that Island for two years past. But as I am now confin'd in point of time, I hope I shall be able to represent that matter in such manner in my next, as may be consider'd as a proper object for redress and releif. I presume it may not be improper to acquaint your Lordships, that I found the most obliging treatment from the inhabitants of Antegoa at my last being there ; and many lamented their want of power to reimburse me the money I expended in supporting the honour of H.M. Commission ; for I never abated of maintaining that port due to it, whatever it cost, were there no other consideration, besides that of not having His Governor of the Leeward Islands fall into contempt of the neighbouring Governments, viz. : the French, Spanish, Dutch and Danes *etc.* I cou'd perceive a very different demeanor to me in the Gentlemen of the Council to what it has been formerly, especially from Col. Crump and Lt. Col. Cochran : And I am perswaded it gives them sufficient concern that they have carryed matters those lengths they have done. At the same time there are

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few of them who have met those advances for a reconciliation I have made and invited them to; tho' they were such as I cou'd not goe farther in, without prostituting the honour of H.M. Commission, and by consequence, injuring my own charracter. So that in my humble opinion, which is offer'd with the greatest defference to your Lordships' superiour judgment, these Gentlemen of the Council of Antegoa, do not care to acknowledge any mistakes they may have made (tho' I am ready to subscribe, on my part, against the doctrine of infallibility) and so are unwilling to retract their errors. Yet it is probable were there some measures taken to let the Council know that they are not placed there meerly to oppose their Governor in everything he advances, but to advise him with decency, and assist him with vigour in what may be for H.M. service, and the good of the Colony, it may possibly have a very happy and desirable effect. But how far your Lordships will think proper to interpose in this matter (which is offer'd by me purely for peace sake) or whether your Lordships will find it necessary to consider my former Representation of their conduct, is submitted with the greatest resignation to your Lordships' pleasure and determination *etc.* *Continues*:—The first disaffection I observ'd in any of the Gentlemen of the Council to me, was, something more than two years past, when three causes were depending in the Chancery Court there, in which a certain family was concern'd, who are allied to almost the whole Island, or at least to such whose fortunes give them the appelation of Gentlemen, tho' some worthy persons of that family have different sentiments: and as I found a great deal of iniquity in these causes, so I gave my opinion with freedom on the equitable side, and how just and approv'd soever my judgment was; yet I have reason to remember the effects of their resentments, both from the indignities that have been offer'd me in point of authority, and a total deprivation of that support which H.M. graciously thought necessary by His Instruction, and which the Assembly propos'd and constantly recomended, and which I sensibly feel the want of in my private fortunes, *etc.* I am under a very mortifying discouragment in prosecuting that duty incumbent on me by my Instructions to represent to your Lordships my sentiments of men and things within my Government. But I was extreamly surpriz'd to find that my letters to your Lordships relating to the behaviour of the Council of Antegoa, particularly what related to Col. Crump and Cochran, were not only handed about that Island, but I was as also upbraided (with my advice to your Lordships) in the Council *etc.*: and I find since, that the substance of my letters to your Lordships, are form'd into Articles against me; at the same time your Lordship's answers to me were never deliver'd till eight months after date, tho' the purport was very well known at Antegoa: And as your Lordships were pleas'd in that answer to define my power of suspending Councillors, they from thence took a handle in an insulting manner to insinuate that it was a much easier matter to remove a Governor than a Councillor: and from hence they made a judgment of their own strength and my weakness, which was the foundation of their very, very extraordinary behaviour to me. Major Holmes had a power from me to name persons to your Lordships who I had reason to suspect of giving these intelligences. But I shall now weave [? *waive*] that, and to prevent any future mischeif to H.M. service of this kind, which I am sure will meet with all discountenance from your Lordships' justice, I in very humble manner submit it to your Lordships, whether any letters or papers transmitted by the respective Governors of the Plantations, to your Lordships, ought to issue out of your Office, but by your special licence and command. I come now to say something of the Articles exhibited against me (by Mr. Nevine and Mr. Wavel Smith, the pretended Agents for the inhabitants of the Leeward Islands, tho' they are utterly disavow'd as such by persons of all sorts and sises in these Islands) in the name of several persons trading to, and inhabiting here: yet notwithstanding the industry of procuring hands to the petition, there are not above two or three of any account who have subscrib'd it, and make but twenty one in all, who are ignorant of the charge. The principal merchants are many in number, refusing to sign it, and they have advis'd of the injustice intended me. I shou'd immediately answer these Articles, agreeable to the Order of their Excellencies the Lords Justices; but that I have only receiv'd copys of them from my correspondents, and wait to have an authentick order serv'd on me; tho' if I can make any judgment on these Articles which are easy for me to confute, and of the advice I have that the persons who exhibited them, do not intend to prosecute them any further, being disappointed of their grand design, of my immediate removal, by their clamourous charge against me, agreeable to the modesty of their petition, which was, first to have me condemn'd and remov'd, and then I was at liberty to clear myself, after the loss of my imployment, in what manner I pleas'd. I am full of the most gratefull acknowledgements, for the justice has been done me by your Lordships in permitting me to be heard to these complaints against me: And I hope to demean myself in such manner, as not only to receive your approbation as a faithful servant to H.M., but as one that is ambitious of being in your Lordships personal esteem. Whilst I was at Antegoa died Col. John Hamilton, one of the Council *etc.* *Recommends* Mr. Francis Carlile to succeed him, a gentleman of very good capacity and plentiful fortune *etc.* Mr. Cochran and Mr. Irish two of the Council of Mountserrat, are lately dead, Mr. John Doily and Mr. John White, in my humble opinion are two of the fittest persons in that Island to succeed them. In Nevis Mr. Richard Abbot has been some time dead, and beg leave to recomend Mr. Cary Broadbelt to supply his place. Since my writing this letter, I am inform'd Colonel Crump of the Council of Antegoa lyes in the agonies of death: If that Gentleman die, (which I have reason to regret from his late behaviour to me) I beg leave to recomend Mr. Edward Chester junior to supply his place, who is a worthy honest man; He is now leaving off trade, which he has follow'd for many years in an eminent manner, to enjoy the fruits of his labours in an easy fortune. My Lords, I am inform'd from credible hands, that there will be very great application made to your Lordships, and elsewhere, for other persons to succeed *etc.*; But I beg leave to assure your Lordships, if they shou'd gain their points, it will alwaies keep up a spirit of contention and confusion in the Council there, to the prejudice of H.M. service, and the dishonour of His Governor in Chief, be he who he will: and therefore I humbly intreat your Lordships will oppose all such applications, at least till I can offer my reasons why they shou'd not be appointed *etc.* *Signed,* Jo. Hart. *Endorsed,* Recd. 29th, Read 30th March, 1726. 10¾ *pp.* [*C.O.* 152, 15. *ff.* 237–243*v.*]

Jan. 7.
Whitehall.

2. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Midsummer to Christmas, 1725. There was then three months salary due to the Secretary and other officers *etc.* *Accounts, certified, annexed.* *v. Journal of Council.* [*C.O.* 389, 37, *pp.* 256–258.]

Jan. 7.

3. John Hammerton to General Nicholson. Begs him to attend at the Duke of Newcastle's Office, when he will present him with a memorial on his affair, as Sir Robert Walpole has ordered him to do *etc.* *Signed,* John Hammerton. *Addressed.* 1 *p.* [*C.O.* 5, 383. *No.* 19.]

[? Jan. 8.]

4. Lt. Governor Dummer to the Council of Trade and Plantations. By a ship lately arrived I received from their Excellencies the Lords Justices an Instruction for my future proceeding with respect to a Synod proposed to be held by the Ministers of this Province which shall be punctually obeyed *etc.* Their Lordships were also pleased to censure the proceedings already had in that affair. Wherefore I think myself obliged to acquaint your Lordships that I did not pass a consen for a Synod but only to a vote of the Councill and Assembly referring the consideration thereof to the next Sessions. *Refers to Minutes.* *Continues:*—I was then of opinion it would not come on the carpett again, as it never did notwithstanding the

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present Sessions had been sitting for some weeks before their Lordships orders concerning the same was received. Nevertheless I should have taken myself obliged to have asked your Lordships directions therein, if I had apprehended it to be of a new and extraordinary nature. But I must observe that a vote in the same words was past on the like occasion by H.M. Councill here in the year 1715 and never as I have heard of censured by your Lordships. And here I humbly take leave to say in behalf of the Ministers of this Province, that I know them to be a body of men most loyal, and inviolably attacht to H.M. and His illustrious House, and therefore I did not apprehend any inconveniencys could arise from their Assembling, especially since they make no pretensions that I know of to do any acts of authority in such meetings tho' they call them by the name of Synods; I pray your Ldships will think favourably of any omission I may have been charged with on this occasion, assuring you I have made no willfull mistakes, and shall always endeavour to the utmost of my power diligently and faithfully to serve H.M. while I have the honour to represent his person *etc.* I have lately concluded a Treaty of Pacification with the Delegates for all the Tribes of Indians that have been engaged in the late warr with this Government, which Treaty is to be ratify'd in the presence of their whole body in May next, and I think it is settled on such foundations as promise a more lasting peace than we have ever yet enjoyed, and that it will accordingly very much promote H.M. interest in this part of the world. *Encloses Treaty.* As soon as the Sessions of the Generall Assembly now sitting is ended I shall give your Lordships an account of all other matters of consequence in the publick affairs. *Signed,* Wm. Dummer. *Endorsed,* Recd. 25th Feb., Read 26th April, 1726. 3 *pp.* *Enclosed,*

4. i. ii. Copies of *Nos.* ii., iii. following. [*C.O.*, 5, 869. *ff.* 232–233, 235–239*v.*]

Jan. 8. Boston.

5. Lt. Governor Dummer to [? *the Duke of Newcastle*]. The 13th day of December I received your Grace's letter of Instructions, with the explanatory Charter H.M. has been graciously pleased to grant to this Province and the next day our Generall Assembly being together, in the Councill Chamber the same was read to them by the Secretary, and then I delivered it to the Speaker of the Representatives, after a short Speech to them on the occasion, and I am sorrey I can't yett give your Grace an account, of their proceedings thereon, they being at present under an adjournment of a week, in order to their calling in their absent Members and then I hope I shall be able to give a good account thereof *etc.* *Refers to* Treaty with Indians as in preceding. *Signed,* Wm. Dummer. *Endorsed,* Rd. Febry. 26th. 1½ *pp.* *Enclosed,*

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5. i. Conferences had at the Council Chamber in Boston between the Lt. Governor and Council, and Loron and Ahanquid (Indians sent from the Penobscot Tribe) July 28th—Aug. 2, 1725. *Copy.* 8½ *pp.*

5. ii. The Submission and Agreement of the Delegates of the Eastern Indians (vizt. the Penobscot, Naridgwalk, St. Johns, Caple Sables and other tribes inhabiting within H.M. Territorys of New England and Nova Scotia) with H.M. Governments of the Massachusetts Bay, New Hampshire and Nova Scotia. Boston, 15th Dec., 1725. *Signed,* Sauguaaram, als. Loron, Arexus, François Xavier, Meganumbe, (*totem marks*). *Copy.* 4 *pp.*

5. iii. Terms granted to the Eastern Indians. *Same date. Signed,* Wm. Dummer. *Copy.* 2¼ *pp.*

5. iv. Copy of Conference between Delegates of the Indian tribes and Commissioners appointed by the Lt. Governor to treat with them concerning a peace *etc.* 16th Nov., 1725. 21 *pp.* [*C.O.* 5, 898. *Nos.* 36, 36. i.–iv.]

Jan. 13. Whitehall.

6. Mr. Popple to Mr. Fane. *Encloses* copies of papers relating to Act of Jamaica, *for encouraging the speedy settling of Pera Plantation etc. Concludes:*—My Lords Commissioners desire that you hear the several parties *etc.* and send their Lorps. a full state of this affair as soon as possibly you can. [*C.O.* 138, 17. *pp.* 54, 55.]

Jan. 13. Charles Town.

7. President Middleton to Governor Nicholson. I was out of town, when the account of the burning of Fort King George came so that I could not give your Excellcy. so early an account of that, as otherwise I should have done; the fire began in one of the Serjeant houses, and being covered with palmeto; there was no stopping of it; and all the other houses being built of wood, took fire, and are consumed; and the walls of the Fort being also of wood; and much decayed, took fire, and burnt down to a very little; so that those poor people are now exposed to the weather; and every thing they have; they lost also most of their provisions; but I have taken care to supply them. I am in the greatest streight imaginable, to know how to get convenient houses; and the fort rebuilt; having no power to putt workmen to work, or to draw for their pay *etc.* I shall in a few days call the Assembly; and try if they will advance; on the credit of the Government at home, two or three thousand pounds to go on with building again the houses; and putt the fort in some repair, till I can hear from your Excellency. What success I may have in this; I cant yet say; you know how that affair stands with our Assembly; but I will do my duty to the best of my power. I have had a continual plague and trouble with those people of the fort ever since your departure. I here enclose the Lieutenant's letter on that affair, by which you will see how it happened; and how turbulent the soldiers are. The twelve that deserted the Garrison, and went to St. Augustine, I have heard nothing of since; I beg your Excellcy. will speedily do something in this affair; and that when a new fort shall be built, it may be on the Island at the entrance of the River. *Signed*, Ar. Middleton. 1 *p.* *Enclosed*,

7. i. Proclamation by President Middleton, 13th Jan., summoning the Assembly to meet 1st Feb. *Copy.* ¾ *p.* [*C.O.* 5, 387. *Nos.* 51, 51. i.]

Jan. 14. **8.** Deposition of Robert Assheton Esq. and Patrick Baird of Philadelphia. In pursuance of directions given them by Lt. Governor Sir W. Keith, deponents delivered to Dr. Richard Welton H.M. Writ of Privy Seal, on 12 inst. *etc.* *Signed*, Rob. Assheton, Patrick Baird. *Sworn before* Sir W. Keith. *Imprint of* Seal of Pennsylvania. Recorded at the Rolls Office at Philadelphia, in Patent Book A Vol. 6. page 17 *etc.*, Cha. Brookden, Maj. Rot. Dept. *etc.* 1 *p.* *Torn.* [*C.O.* 5, 1233. *No.* 63.]

Jan. 14. Whitehall. **9.** Council of Trade and Plantations to the King. Recommend John Grimes for the Council of Virginia in the room of Colo. John Lewis decd. [*C.O.* 5, 1365. *p.* 286.]

[Jan. 14.] **10.** Mr. Stevensone to the Council of Trade and Plantations. *Suggests* a further report upon draught of Revenue bill of Jamaica in view of the Governor's report of 30th Dec. 1724 and Minutes of Council and Assembly showing that the funds allotted will effectually answer the sum granted *etc.* *Endorsed*, Recd., Read 14th Jan., 172⅚. ¾ *p.* *Enclosed*,

10. i. Speech of Governor the Duke of Portland to the Council and Assembly of Jamaica. *Same endorsement.* *Copy.* 3¼ *pp.*

10. ii., iii. Replies of Council and of Assembly to preceding, with H.E.'s answers. *Same endorsement.* *Printed.* 2 *pp.* [*C.O.* 137, 16. *ff.* 133–135, 136*v.*, 137, 138–138*v.*]

Jan. 18. Boston, N. England. **11.** Lt. Governor Dummer to the Council of Trade and Plantations. I did myselfe the honour of writing to you by a ship that saild about ten dayes since and then I inclosed you the articles of submission of our late Indian enimys to His Sacred Majesty King George which I hope is done to your Lordships satisfaction and that it will bee approved by H.M. *etc.* The General Assembly have dutyfully accepted H.M. Royal Explanatory Charter a copy of their vote for the same is herewith inclosed. Upon which occation they have humbly addrest H.M. and have sent it to their Agent Mr. Dummer to be presented accordingly. All the votes, acts and orders of this Assembly shall be forwarded to your Lordships by the first conveyence after they can be carefully examind and drawn fair by the Secretary *etc.* *Signed,* Wm. Dummer. *Endorsed,* Recd. 26th March, Read 26th April, 1726. 1 *p.* *Enclosed,*

11. i. Vote of Council and Assembly of the Massachusetts Bay accepting H.M. Explanatory Charter relating to the choice of a Speaker and power of adjournment. 15th Jan., 1725(6). *Copy.* $1\frac{1}{2}$ *pp.* [*C.O.* 5, 869. *ff.* 226, 227, 228, 228*v.*, 231*v.*]

Jan. 18.
Boston,
N. England.

12. Lt. Gov. Dummer to [? the Duke of Newcastle]. *Encloses following.* *Signed,* Wm. Dummer. *Endorsed,* Rd. 26th March. 1 *p.* *Enclosed,*

12. i. Duplicate of preceding enclosure. [*C.O.* 5, 898. *Nos.* 37, 37. i.]

Jan. 18.

13. Governor Philipps to the Council of Trade and Plantations. *Recapitulates* former Memorial (*v.* 26th Feb. and 20th May, 1724), which was referred to the Board, but made no further progress, hoping that this may prove a more favourable opportunity, the Sessions of Parliament now approaching *etc.* *Signed,* R. Philipps. *Endorsed,* Recd. 18th, Read 27th Jan., $172\frac{5}{6}$. $2\frac{1}{2}$ *pp.* [*C.O.* 217, 4. *ff.* 296–297*v.*]

Jan. 20.

14. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Report their opinion in reply to the queries submitted by Lt. Governor Drysdale, 6th June, 1724, as to the interpretation of the Lords Justices' order of 6th Aug., 1723, concerning lands in the new counties in Virginia. *Signed,* P. Yorke, C. Wearg. $8\frac{3}{4}$ *pp.* *Enclosed,*

14. i. Copy of Lt. Gov. Drysdale's queries June 6th, 1724.
14. ii. Copy of Order of Lords Justices 6th Aug., 1723.
14. iii. Copy of Lt. Gov. Drysdale's letter of 6th June, 1724.
14. iv.–vi. Copies of encl. ii.–iv. in preceding.
14. vii. Extract from Govr. Lord Orkney's Commission. $2\frac{1}{2}$ *pp.*
14. viii. Extract from Act of Virginia, 1710, *for settling the titles and bounds of lands.* $1\frac{1}{4}$ *pp.*
14. ix. The case of Col. Spotswood in answer to "Lt.-Governor Drysdale's fallacious representation" *etc.* Cf. June 16, 1724. 4 *closely written pp.*
14. x. Col. Spotswood's replies to Lt.-Governor Drysdale's queries. $2\frac{1}{2}$ *pp.*
14. xi. Col. Spotswood's replies to Lt.-Governor Drysdale's letter of 6th June, 1724, paragraph by paragraph.

3 *pp.* *Endorsed,* Recd. 29th Jan., 172$\frac{5}{6}$, Read 2nd Feb., 172$\frac{5}{6}$. [*C.O.* 5, 1319. *ff.* 240–244, 246–248*v.*, 250–251, 252–255, 256–260*v.*, 262–263, 264, 264*v.*, 266–269, 270–271*v.*]

Jan. 22. Charles Town. **15.** Henry Hargrave to Governor Nicholson. *Encloses* Journal of Assembly to 18th Dec., five Acts, and an account of the dismal condition of the Garrison *etc.* *Signed,* Hen. Hargrave. *Addressed.* 1 *p.* [*C.O.* 5, 387. *No.* 59.]

Jan. 23. Jamaica, Spanish Town. **16.** Governor the Duke of Portland to the Council of Trade and Plantations. Having by the last opportunity of the 18th of December, which was by the *Cardigan* Capt. Cross, troubled your Lordships with a long letter *etc. encloses* duplicates. *Continues*:—The Assembly is now met again; I have been trying all possible means to moderate the furious rage they broke up in, and if practicable to dissipate their fears, and jealousies; as to the first, I can say that they are in better temper, as to the last it is impossible to guess, what will be the result or issue of their consultations; that notion of being yearly tennants for their laws, has been so industriously inculcated upon them, and has taken such deep root in their minds, that I apprehend all attempts to remove it or any opposition will raise such a flame, as that nobody can guess or foresee where it will end. Your Lordships will see that nothing I could think of, or that was in my opinion prudent has been omitted, but their engagements upon this head to one another are such, that tho' they won't (or indeed can't with reason) fall out with me, however, if any of their Members was to declare his opinion, or use any arguments to bring others to comply with a yearly Reviving Bill for their laws, he would not only immediately be expell'd their House, but likewise be voted, and declar'd, an enemy to his Country; I confess it is not an easy matter to determine what is proper to be done; it is true I have hitherto for above a quarter of a year since the expiration of the laws took all proper measures to conduct affairs so as to prevent inconveniences or complaints, and could I be satisfied that the distresses of the Government would not increase, or the distraction of the people not grow worse, I could continue in the same method and (as to myself) wait with patience for instructions from Home, but the consequences, and difficulties this might be attended with may prove such as would be thought unadvisable, or imprudent to run the hazard of encountering with, and I might be blam'd to take upon me more then I could answer for: they may easily be guess'd at, when it is consider'd that there are no laws in force: Justice at a stop and peoples demands (particularly of those in business from other parts of the world) suspended, if not lost, by persons dying, or dayly removing or going off and useing means to defraud their honest creditors; besides considering the general temper of the common people, who are pleased to be freed from the restrictions of any laws and are not within reach of being made sensible of their error, may be liable to create the utmost irregularities and extravagances, so as might call, for what might be thought unwarrantable severities to be corrected and set to rights again, particularly when it might be suspected that those from whom I should expect all aid to prevent all this, are the very persons, who under hand may be the fomenters of it. By what I have said in my former letter *etc.*, I cant suppose but that your Lordships plainly perceive the just foundation I have to represent how necessary it is the Government should be countenanc'd and supported; that the least suspition as if it might be overlook'd here or disregarded at Home, is attended with all the difficulties that can be rais'd or forged by the most unreasonable, impatient, positive, proud, and stubborn tempers, and likewise justifie me, when I desire and press to have, what I have represented; taken into consideration and dispatch'd without any loss of time. I shall in the mean while use my best endeavours to keep every thing as quiet as possible, try to find out the best means to prevent all inconvenience, complaints, or confusion: and conform to the utmost of my power to what may be consistent with my duty to H.M. and the trust reposed in me. I hope to send a more satisfactory account by the next opportunity *etc.* *Signed*, Portland. *Endorsed*, Recd., Read 21st April, 1726. 2½ *pp.* *Enclosed*,

16. i. H.E.'s Speech to the Council and Assembly of Jamaica, 11th Jan., 1726. Address of Assembly in reply, and H.E.'s answer, 15th Jan. *Same endorsement.* *Copy.* 3½ *pp.* [*C.O.* 137, 16. *ff.* 211–214*v.*]

Jan. 23.
Jamaica,
Spanish
Town.

17. Governor the Duke of Portland to the Duke of Newcastle. Repeats preceding covering letter. *Signed*, Portland. *Endorsed*, Rd. 21st April, 172⅚. 2½ *pp.* *Enclosed*,

17. i. Duplicate of *P.* to *N.* Dec. 18, 1725. (1st letter.)

17. ii. Duplicate of *No.* 16 i. [*C.O.* 137, 52. *ff.* 200–207*v.*]

Jan. 25.
Whitehall.

18. Council of Trade and Plantations to the Lords of the Committee of H.M. Privy Council. *In reply to* Order of 27th (*i.e.* 17*th*) July, 1723, *report that* "the Colonies of Connecticut and Rhode Island are not willing to surrender their Charters, or be annexed to any of H.M. Governments, but we do not find any reason to alter our opinion as to King Charles II having been deceived in his grant to Connecticut, or of H.M. intentions to redress the grievance complained of by Rhode Island by his subsequent charter to them," *etc.* *Quote from* their report of 22nd March, 1723. *Continue*:—The Agents for Connecticut alleged that John Winthorp, after having obtained the charter

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for that Province, had no authority to submit the boundaries to a second determination (— April, 1663). But the Agent for Rhode Island having now laid before us a new piece of evidence, which is the appointment by the Genl. Assembly of Connecticut in Oct. 1702, of certain Commissioners to meet those from Rhode Island in order to settle the boundaries between the two Colonies; it plainly appears from this instrument, that the General Assembly of Connecticut were so far from thinking that their late Agent Mr. Winthorp had exceeded his Commission in submitting the bounds to arbitration, after their Charter was passed, that they expressly provide "that nothing to be done by these Commissioners shall alter or change the property of any persons lands, but that property shall be saved according to the agreement of their late agent Jno. Winthorp, made in 1663, with Mr. Clarke, agent for Rhode Island." Upon the whole, considering that as the people of Connecticut have by their letter to us of 28th Oct., 1723, submitted their bounds to be determined and fixed by H.M.; and as the people of Rhode Island have done the same by their petition to H.M.: we are of opinion that H.M. may in his judicial capacity determine what shall be the division line between these Colonies. But as some doubts have been made with respect to their bounds, even as they are stated in the Rhode Isld. Charter, arising from the uncertainty and variety of names given to places and rivers; and as the green line in the annexed map was determined in 1703, to be the division line between the two Colonies by the Comrs. respectively appointed for that purpose, we humbly propose, that H.M. may be graciously pleased to signify his pleasure, that the aforesaid green line may hereafter be the settled boundary between the sd. two Colonies of Connecticut and Rhode Island. (*Cf.* A. P. C. III. *No.* 4 *and map reproduced in Appendix thereto.*) [*C.O.* 5, 1293. *pp.* 346–351.]

Jan. 26.
Council Chamber in Nassau, N. Providence.

19. Governor and Council of the Bahama Islands to the Council of Trade and Plantations. Your Lordships will observe that by the ballance of the last years account we are indebted 664.$7\frac{1}{2}$ *ps.* of $\frac{8}{8}$ at 4*s.* sterl. p. piece of $\frac{8}{8}$, and is chiefly on account of tools and necessarys for the use of the fortifications and carrying on other publick works. We have been as good husbands as possible but our revenues are so very small, and the Bahama Society receiving to their particular use the tenths of wood, salt and other adventures which always formerly came into the publick Treasury, the Lords Proprietors appropriating them entirely to the country service, greatly occasions our debts. H.M. having sent us a Great Seal to be affixed to all patents grants and acts *etc.*, the Lords Proprietors or their lessees having nobody now here that do's grant patents for lands, and there being several demands of that kind, we are greatly embarrast, and desire your Lordship will please to give us instructions whether the Governor may give patents conformable to the enclos'd form, and how the reservation of quit-rent shall be adjusted, or in what other manner your Lordships shall see most convenient, for the want thereof will be a great hindrance to the encouragement of new setlers. In 1722 there were three bills of one tenor and date drawn on Jno. Mulcaster Esq. for £183 17*s.* 4*d.* paya. to the Lords Comissrs. of the Treasury being H.M. part of forfeiture of a brigantine and her lading condemnd here, which we understand their Lordships have not yet demanded the payment of, therefore humbly pray your Lordships will please to intercede with H.M., that the said bills may be return'd us, and that we may have liberty to apply the sd. sum towards discharging our public debts. *Signed,* G. Phenney, W. Fairfax, William Spatchers, Sam. Watkins, J. Howell, Thomas Spencer, Willm. Jones, Simon Ferrall, Ken. Fraser. *Endorsed,* Recd. 19th May, Read 21st June, 1726. 2 *pp.* *Enclosed,*

19. i. The publick Treasury's account of cash. Totals: *Receipts*; by public duties, 1725, 138 *ps.* $\frac{8}{8}$, for the Church account, 13. *Expenditure*: Deficit from 1724, 560. 6.; workmen and materials for the fortifications, 1724, 176. 3½. From the Bahama storehouse for same, 78.3, and for the church, 0.3½. *Total,* 816. *Deficit,* 664 : 7½. *Signed as preceding. Endorsed,* Recd. 19th May, 1726. 2 *pp.*

19. ii. Draft of a patent for granting lands in the Bahama Islands. *Endorsed as preceding.* 1⅓rd *pp.* [*C.O.* 23, 2. *ff.* 1, 1*v.*, 2*v.*, 5*v.*–3*v.*]

Jan. 26.
N. Providence.

20. Governor and Council of the Bahama Islands to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis. Same signatures.* 2 *pp.* *Enclosed,*

20. i, ii. Duplicates of encl. i, ii *preceding.* [*C.O.* 23, 13. *ff.* 227, 227*v.*, 241*v.*, 242, 243, 243*v.*]

Jan. 28.
Boston.

21. Mr. Cumings to the Council of Trade and Plantations. There are abundance of ships trades this way importing salt for the fishery from France, Spain and Portugall: but att the same tyme import abundance of prohibited goods and very injurious to the trade of Great Brittain especialy from France, vizt. lulstrings and alamodes, besides other silks and India goods from Spain and Portugall so that if the Act of 9th and 10th K. William in favour of the lulstring Company were extended to the Plantations it would be an effectual means to prevent the importation of French lustring and alamode so prejudicial to the silk manufacture of Great Brittain. Many vessels trades from the Continent to the French and Dutch Settlements in the West Indies where it may be suspected a great deall of illegall trade is carryed on and they will not allow our vessels to trade there without importing of horses to grind their canes and allow us nothing in return but molosses *etc. Repeats Oct.* 10*th*, 1724 *on this point and his scheme for saving* £80,000 *per ann. Signed,* Archd. Cumings. *Endorsed,* Recd. 15th March, Read 11th Aug., 172$\frac{5}{6}$. *Addressed. Sealed. Postmark.* 1 *p.* [*C.O.* 5, 869. *ff.* 338, 339*v.*]

Jan. 28. **22.** Benjamin Whitaker to [? *Governor Nicholson*]. *Complains* that President Middleton has superseded the Clerk of the Crown (*v.* 3rd Feb.) and Vendue Master and sold their offices to Childermas and Edward Croft. He tried to obtain £400 for the office of Provost Marshall, but Mr. Harvey succeeded in getting it for £200 *etc.* I am very sorry that this should be done by a native of the countrey who I have heard condemn the Proprietors for things of this kind *etc. Signed,* Benja. Whitaker. 4 *pp.* [*C.O.* 5, 387. *No.* 60.]

Jan. 28. N. Providence. **23.** Governor Phenney to the Council of Trade and Plantations. *In reply* to Mr. Popple's letter encloses returns required. *Continues*:—The Council book being swell'd to a large folio and Mr. Fairfax having no assistant, it will take a longer time to make two copys for your Lordships and the Secretary of State's Offices, so that it was impossible to get them done during the stay of the vessel that carrys this *etc. Encloses* list of Councillors. *Continues*:—Those names observ'd not to have been taken from the list of inhabitants qualified, were only the Commission Officers of the Independant Company and the Chief Justice, whom we found it absolutely necessary to admitt, for the other Councellers being so frequent at sea amongst the islands following their employment, we have been sometimes six weeks, and two months without a number sufficient to make a quorum; and altho' that the persons I have return'd are men of fair characters, having never been on any unlawful accounts, yet several of them are very illiterate, which is unavoidable here. I have likewise sent your Lordships a draft of the outworks of the fort I have been building, which are now compleated, (except the gate which was done from my design and which we are forthwith beginning upon). We had not room upon the paper to shew your Lordships the bearing with respect to the barr etc., but as soon as it is finisht I shall furnish myself with larger paper and send it your Lordships with the prospects of the town and harbour, and if it is not so correct as it should be, hope your Lordships will excuse it, having no Engineer, whose proper business it is. *Refers to* letter of Jan. 26, and asks for the Board's recommendation thereof. *Concludes*:—Your Lordships will see by the enclosed affidavit what treatment the person who was rob'd by the Spaniards, met with, an account of which I promist to send upon his

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return. The Governor of the Havana (letter enclosed) was very civil to him, and he has hopes to get further satisfaction by the suit he has commenct against the Governor of St. Jago de Cuba, who return'd me no answer to my letter. *Endorsed*, Recd. 19th May, Read 21st June, 1726. 2¾ *pp. Enclosed*,

23. i. Minute of Council of the Bahama Islands, 25th Oct., 1725. The great silver Seal having been received from H.M., the former leaden one was defaced and laid up in order to be sent to the Board of Trade *etc. Signed*, W. Fairfax, Secry. *Endorsed*, Recd. 19th May, 1726. *Copy.* ¾ *p.*

23. ii. List of Councellors, 1721. James Gohier, dead; William Fairfax; Thomas Walker, dead; Cha. W. Carrington and P. Skynner, suspended by Council; Richard Thompson sr.; Natha. Taylor, absent above 18 months, tho' leave for six only; Saml. Watkins; William Spatchers Sr., Peter Courant, ran away, therefore expell'd; Joseph Cookes, went for England, there quitted; Thomas Wood, resigned in Council. Vacancies filled by (i) Tho. Granger, Chief Justice, quitted and vacancy filled by Simon Ferrall; (ii) John Howell; (iii) Thos. Ockold, dead, vacancy filled by Kenneth Fraser; (iv) Thos. Barnett; (v) Benja. Saunders; (vi) Thos. Spencer; (vii) Rd. Thompson, jr.; (viii) Wm. Jones. *Endorsed as preceding.* 1 *folded page.*

23. iii. (a) List of inhabitants recommended in 1721 as proper to supply vacancys in Council; of these, Jones, Barnett, Spencer and Benjamin Saunders are now Councillors, John Cockrem has gone off for debt, Joseph Hall is dead; Thomas Walker has gone off and lives at Jamaica; John Thompson was mistaken for Richard.

(b) List recommended, 1726:—Francis Besey, Benja. Bullock; Neal Walker; Thoms. Saunders; Revd. McCurphey; Willm. Spatchers junr., Saml. Frith; John Walker, John Bennet, Joseph Hall jn., Willm. Pindar, Thos. Spencer jr. *Same endorsement.* 1 *folded p.*

23. iv. *Replies to queries of* Board of Trade. (i) Articles of trade:—Dye woods, timber, salt, oil, turtle, turtle shell, ambergrease, fruits, fine cotton and platt of palmeto tops. (ii) List of 16 small vessels of 3 to 25 tons, three of which were built this year. (iii) About 100 seafaring men at this town. (iv) British manufactures annually taken by the inhabitants, (clothing, ware, stationery, arms, provisions, tackle *etc.*) value, £2320.

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(v) The greatest trade is to S. Carolina, bartering our turtle and fruit for provisions; some others of our vessels go to Jamaica to be there employed during the gathering of their sugar, carrying salt, braziletto and oil and bring back the produce of that island. (vi) All necessary methods are used in this port by the Governor and Collector to prevent illegal trade, but there being several out islands where ill-disposed persons may find conveniency for running goods, and there being no proper vessel allow'd for the Collector to visitt such places, tho' both the Governer and he have represented the want thereof to the Board of Customs, their care it may be presumed is not wholly effectual. (vii) The natural produce of the Island is, large sugar canes, the finest cotton in the world, fine madera, mahogony, cedar, and pine fit for building of vessels, manchineel, prince wood, lignum vitæ, brown ebony of a strong Rhodium scent, with great quantities of braziletto, fustick and other dying woods, senna, gum elmi, guiacum mastick, and several other gums and medicinal drugs. The palmeto trees afford as good platt as on Bermuda, of which the women make hatts, and some small quantitys of platt are exported. The lands produce most sorts of provisions for familys, various sorts of fine fruits, the pine-apples here being of the best kind in America. On Exuma and several other islands, large quantitys of salt are naturally made every year sufficient to supply all H.M. Plantations. (viii) No mines yet discovered, the major part of the island inwards not being opened. (ix) As above. (x) 500 whites, 250 negroes on Providence: 200 whites, 40 negroes on Islathera; 130 whites, 20 negroes on Harbour Island. (xi) Number of inhabitants not increasing for want of trade being more briskly carried on. (xii) There are three Companies of Militia on Providence, two on Islathera, and one on Harbour Island. (xiii.) Fort Nassau, that lies to command the bar, which the Governor found in ruins, has had three entire new bastions solid, lately built of stone work, and the parapets which were formerly of earth also finisht with stone, as likewise a strong palisado round it more than half finisht. There remains to be added a gate on the South curtain with a cavalier over it, a magazine bomb proof, storehouses for provisions and gunners stores, barracks for officers and soldiers; and traverse walls on the ramparts, as likewise a small fort at the eastward to command that entrance into the harbour. There was a small thing called a fort at Harbour Island but now in ruins, and an entire new one necessary, on which the Governor has encouraged them to go to work, and promist to supply it with cannon etc. They have not yet begun, but promise speedily. We proceed on these works as fast as our small revenue and number of hands will enable us. What has been already done, having been by the labours of the Independant Company in garrison here, and now and then the help of a few negroes without any assistance from any other persons whatsoever. The Governor having built a house on his plantation at the village where the Palatines dwell about five leagues west of Nassau has secur'd it in such a manner as to be a retreat to the neighbours, in case of necessity about 20 or 30 men may defend it. It commands the channel to a bay where vessels may ride. (xiv) Having little correspondence with the French or Spaniards am not able to state their strength. (xv) The French islands lying eastward and far to the windward am not sencible of any ill effects. (xvi) The revenue laid on tonage of shipping and importation of wine and rum and fines of the Court are appropriated towards answering the contingencies of the garrison and fortification *etc.* (*v. No.* 19. i.) (xvi) Grants of lands hitherto made were by virtue of the Lords Proprietors lease and in the lessees names, and the quit-rent reserved to themselves. (xvii) The charge of the Independent Company to the Crown is £1821 19*s.* 2*d.*, being on the lowest establishment. There are no salaries setled for the Civil officers. The extraordinaries for contingencies for the garrison and fortifications amounted this last year to 255 pieces of $\frac{8}{8}$ rials. (xviii) List of Council and officers *etc.* (xix, xx) List of islands under this Government, with their produce. *Same endorsement.* 10 *pp.*

23. v. List of fees appointed to be taken by officers, 16th Nov., 1724. *Same endorsement.* 6½ *pp.*

23. vi. Deposition of Richard Thomson Senr. 20th Nov., 1725. On arriving at St. Jago de Cuba to demand satisfaction for a late robbery done by Augustino Branco who had the Governor Don Carlos de Suere's Commission, the said Governor promised him justice, and he commenced a suit. But after tarrying for four months, deponent found that by their continual adjournments he would get no reparation or justice and departed, Gibson Dalzell conveying to him 7 of his negroes which were in his possession as Factor. The Governor and his Secretary kept each of them

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one negro. Deponent also brought away Thomas Balthasar native of Puerto del Principe, who had been enticed to sail with Branco but refused to join in his villanies *etc.* *Signed,* Richard Thomson. *Same endorsement. Copy.* 1¾ *pp.*

23. vii. Governor of the Havana to Governor Phenney. 5th June (N.S.) 1725. Acknowledges letter addressed to his predecessor and regrets that Capt. Augustine Blanco should have abused his commission by committing an act of piracy *etc.* Has written to the Governor of Cuba, Don Carlos Suere, *etc.* *Signed,* Don Dionisio, Mart. de la Vega. *Same endorsement. Spanish. Copy.* 1½ *pp.*

23. viii. Lists of marriages, baptisms (including negroes), and burials in the Bahama Islands, 1721–1725. *Same endorsement.* 3½ *large folded pp.*

23. ix. Account of stores of war wanting at Nassau. *Signed,* Tho. Butler, Gunner. *Same endorsement.* 1¾ *pp.*

23. x. Account of stores of war brought to the Bahamas by Governor Rogers and Governor Phenney and of what remains, Nov. 1721–Jan. 1726. *Signed,* G. Phenney, Tho. Butler, gunner, Willm. Shott, steward. *Same endorsement.* 3 *pp.* [*C.O.* 23, 2. *ff.* 6–8, 9*v.*–16*v.*, 17*v.*, 19–22*v.*, 23*v.*–24*v.*, 25*v.*–26*v.*, 27*v.*–29, 30*v.*–31*v.*, 32*v.*–34*v.*]

Jan. 28.
N. Providence.

24. Governor Phenney to the Duke of Newcastle. Duplicate *mutatis mutandis*, of preceding covering letter. *Signed,* G. Phenney. *Endorsed,* Rd. May 20. 1½ *pp.* *Enclosed,*

24. i–ix. Duplicates of encl. ii–x *preceding.*

24. x. Naval Officer's list of ships entered and cleared, N. Providence, Nov. 1721–Dec. 1725. *Signed,* Jno. Warner. Nav. Offr. 38 *pp.*

24. xi. Plan of the Fort (at Nassau ? *v.* preceding covering letter). Coloured draft of outworks and palisading. 1 *folded p.* [*C.O.* 23, 13. *ff.* 225–226*v.*, 229, 229*v.*, 231–234, 235–239*v.*, 244–263*v.*, 265–266, 267*v.*–272*v.*, 273*v.*, 274, 275*v.*, 276*v.*, 277, 278, 279, 279*v.*]

Jan. 28.
N. Providence.

25. Governor Phenney to Mr. Delafaye. *Abstract.* Compliments. Has been obliged to remove Mr. Mulcaster, Agent of the Independent Company, his credit being too bad. Is obliged to send for provisions to the West Indies and the Northward, but they refuse to take his bills on Mulcaster. Has appointed Ralph Noden of London, merchant, agent in his stead. Asks for Mr. Delafaye's protection and support in obtaining the stores of war so often requested *etc.* *Signed,* G. Phenney. *Endorsed,* R. May 30. *Holograph.* 1½ *pp.* [*C.O.* 23, 13. *ff.* 281, 281*v.*, 282*v.*]

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Jan. 29.
St. James's.

26. Order of King in Council. Referring Representation of 22nd Dec., 1725, with petition of Isaac Miranda *etc.* to the Committee for hearing appeals and complaints from the Plantations, for their report. *Signed*, Robert Hales. *Endorsed*, Recd. 21st, Read 24th Feb., $172\frac{5}{6}$. 1 *p.* [*C.O.* 137, 16. *ff.* 141, 142*v.*]

Jan. 29.
St. James's.

27. Order of King in Council. Appointing John Grimes to the Council of Virginia, as proposed 14th Jan. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 5, 1320. *ff.* 1, 2*v.*]

Jan. 29.
St. James's.

28. Order of King in Council. Referring enclosed to the Council of Trade and Plantations for their report. *Signed*, Robert Hales. *Endorsed*, Recd. 14th, Read 18th Feb., $172\frac{5}{6}$. 1 *p.* *Enclosed*,

28. i. Petition of Samuel Jacob and other merchants of Bristol to the King. The Treasurer of Virginia refuses to refund the duty exacted on some negroes imported by petitioners on 30th April 1724 under the Act which was repealed on that day. *Pray for* relief. *Signed*, Samuel Jacob *and five others.* 1¾ *pp.*

28. ii. Deposition of Augustine Moor, of King William County, Va., 22nd June, 1725, as to payment of duty on said negroes consigned to him *etc.* *Torn.* 1 *p.* [*C.O.* 5, 1319. *ff.* 273, 274, 274*v.*, 275.]

Feb. 1.
N. Providence.

29. Governor Phenney to Temple Stanyan. Acquaints him that he has appointed Mr. Noden Agent for the Independent Company *etc.* (*v.* 28th Jan.). *Signed*, G. Phenney. *Endorsed*, Rd. May 20. 1 *p.* [*C.O.* 23, 13. *ff.* 283, 284*v.*]

Feb. 2.
Treasury Chambers.

30. Mr. Scrope, Secretary to the Lords Commissioners of the Treasury, to the Lords Proprietors of Carolina. It appearing that the yearly rent of £13 6*s.* 8*d.* payable by your Lordships into the Exchequer here as Proprietors of Carolina is in arrears from the feast of All Saints, *requests* payment of sum in arrears and constant payment in future according to the Charter *etc.* *Signed*, J. Scrope. [*C.O.* 5, 290. *p.* 171.]

Feb. 3.

31. Mr. Abraham Meure to Mr. Popple. Forwards certificate by Davy Breholt that the Honble. Collo. John Davis, late President of the Council of St. Kitts, died in London, 13th Dec. 1715. *Signed*, Abr. Meure. *Endorsed*, Recd., Read 4th Feb., $172\frac{5}{6}$. *Addressed.* 1 *p.* [*C.O.* 152, 15. *ff.* 230, 230*v.*]

Feb. 3.

32. Journal of the Assembly of S. Carolina. Resolved, upon the petition of Lawrence Coulliette, Clerk of the Crown and of the Supreme Court *etc.*, concerning the loss of his place, that the buying and selling of places relating to the Courts of

1726.

Justice is of the utmost ill consequence to H.M. subjects in this Province, and very much to the dishonour of H.M. *etc.* *v.* 28th Jan. *Copy.* *Signed,* W. Blakewey, C.D.C. 1 *p.* [*C.O.* 5, 383. *No.* 23.]

Feb. 4. **33.** President Middleton to [? *Governor Nicholson*]. *Refers* to account of burning of Fort King George *etc.* (*v.* 13th Jan.). *Continues*:—Accordingly the Assembly is mett, and after two or three dayes long disputes, and denyals so to do, they have at last agreed to make use of £2000 of the bills that are to be sunke, and it is to be apply'd to the repare of the fort, and building of barracks. There being no money in the Treasurer's hands, and the tax bill having past long before, and all the money appropriated, nothing could be done that waye, so that by the advice of the Council I have agreed to make use of that money, knowing it to be for H.M. interest and servis, and that the poor soldiers should be expos'd to the weather, and the Indians. I hope your Exelency won't take this a miss, for I could not possibly do otherwise, haveing no power to draw bills for any such use. Your Exelency can't imagine the daly trouble I have with those people, and I begg that you will ease me of it as soon as possible, and that the fort may be remov'd to St. Simons Island, which will be more for H.M. servis, and use to the country. Mr. Allin will now in a few dayes send a sloope with all necessaryes *etc.* The Journal of this short Sessions shall be sent to your Exelency as fast as possible, *etc.* Mr. Whitaker, being told by someone that I had wrote to your Exelency against him *etc.*, caused one Quliett formerly Clerk of the Courts of Common Pleas, to petition the Assembly that I had taken his place from him, and given it to another, and for which I tooke money (*v.* 3rd Feb.). This Quliett has been often complain'd of by the Judgees to me as unfitt, and very negligent, upon which I told Mr. Chief Justice Hepworth that I was unwilling to turne the man out, but as he was so unfitt for that post as he represented him to me, if I did turn him out whoever had it should give me something for it, this I did openly, and not underhand, and accordingly he approved of the person to whome I gave the Commission to, and I received a present of £200 for it, and that without askeing for, and this is the great crime the Assembly designes to acquaint you with. This place, the Martial's place, and the Vandue Masters have bin alwayes looct upon perquisets to the Govemt. and something has bin alwayes given for them, and how it now comes to be a crime in me I cant tell. Indeed your Exelency did not but that was your own goodness, and you spent many thousand pounds in the country more then you gott, but your Exelency cant thinke that a reason for an other, that cant so well afford it. I have annuf to do with those Gentmen that were alwayes know(*n*)

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enemyes, and they hate me as being a friend and servant of your Exelenceyes *etc.* They are insenct against for standing up for the previledges of the Council pursuant to H.M. Instructions *etc.* In raiseing the tax for the insueing year they gave me £1500, but it was in such a maner as made it very unactable (? *unacceptable*) to me, for first they putt it to the vote whether I should have it then, whether it should be £1000, then £750 *etc.* Indeed I shall spend more then I shall gett. Mr. Whitaker has given me a copy of *his* letter (*v.* 28th Jan.), but it is stuft with so many notorious untruths that I can't mention them, and in due time will disprove them *etc.* *Signed,* Ar. Middleton. 2½ *pp.* [*C.O.* 5, 387. *No.* 61.]

Feb. 4. Whitehall. **34.** Council of Trade and Plantations to the King. Recommend Wm. Pym Burt for the Council of St. Kitts in place of Mr. Davis decd. [*C.O.* 153, 14. *p.* 202.]

Feb. 5. South Carolina. **35.** Benjamin Whitaker to Governor Nicholson. Encloses following by order of Assembly. *Signed,* Benja. Whitaker. 1 *p.* *Enclosed,*

35. i. Petition of Lawrence Couliette to the Commons House of Assembly S. Carolina. The President sold his place to Childermas Croft *etc.* *v.* Jan. 28, Feb. 3 and 4. *Signed,* Law. Couliette. 1 *p.* [*C.O.* 5, 387. *Nos.* 62, 62. i.]

Feb. 7. **36.** Mr. Hargrave to Governor Nicholson. Herewith you receive the Journall of what the Assembly have done in relation to the Fort. *Describes how* the President sent him to Mr. Kilpatrick to offer him the place of Clerk of the Peace for £300 *etc.* *Signed,* Hen. Hargrave. *Addressed.* 2¾ *pp.* [*C.O.* 5, 387. *No.* 63.]

Feb. 7. Charles Town. **37.** Charles Hart to Governor Nicholson. Upon the unfortunate accident to Fort King George being burnt to ye ground, the Presidt. imediatly summon'd his Councill, who gave their opinion, that 'twas proper to call the Assembly to have their advice and assistance on so important an affair. I must referr your Excellency to the Journalls (now sent by Capt. Ryder) of what passed between the two houses, and the recourse wee were obliged at last to take, to keep possession of that ground, and supply the soldiers with such necessaries, to defend them from any sudden surprise of the enemie, and the inclemency of the weather, wee having more frost and deeper snow, than ever I knew since my being here. I have now got Mr. Tobias Fitch Journalls wch. shall be copied out with all expedition to be sent to your Excellency but I hope you will arrive here sooner in person to read it yourself, Captain Clark having brought the agreeable news that yr. Excellency

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will return hither. The sudden changes of weather in this clymate is not more quick, than the alterations in some people's faces, I protest it affords me some diversion *etc.*, but my joy would be compleat could I kiss yr. Excellency's hands now *etc.* *Signed*, Charles Hart. 2 *pp.* [*C.O.* 5, 387. *No.* 53.]

Feb. 8. **38.** Mr. Gray to the Council of Trade and Plantations. *Replies* to some objections raised at a meeting with the Board, on Feb. 2, by Govrs. Nicholson, Hunter, Spotswood, and Phillips, to his scheme for a barrier path at the back of all H.M. Colonies on the Continent (*v.* C. S. P. 20th June, 1725). *Signed*, Galfridus Gray. *Endorsed*, Recd. 10th Feb., Read 23rd June, 1726. $2\frac{1}{4}$ *pp.* [*C.O.* 323, 8. *No.* 65.]

Feb. 9. Whitehall. **39.** Mr. Popple to Mr. Carkesse. Requests returns of $4\frac{1}{2}$ p.c. duty in Barbados and the Leeward Islands, since 1715. [*C.O.* 29, 14. *pp.* 418, 419.]

Feb. 9. Whitehall. **40.** Council of Trade and Plantations to Governor Hart. *Acknowledge* letter of 24th Dec. 1724, 28th Feb., 1st March, 20th and 26th July, and 6th Aug., 1725. *Continues*:—We have transmitted to the Duke of Newcastle the Addresss of the Assembly of Antigua *etc.* (*v.* 1st March, 1725). We have recommended Chas. Pym and Wm. Pym Burt to be of the Council of St. Kitts *etc.* We have again had under our consideration your proposal of uniting the Council and Assembly of St. Christophers and Nevis (*v.* 3rd Dec., 1723), but this being so material an alteration in the constitution of those Islands, we can by no means think of advising H.M. to do an act of this nature by the sole power of his Prerogative without the consent of the people: If the two islands are both of them convinced it would be for their mutual convenience, that such an union should be made between them, let their respective Councils and Assemblies address H.M. for leave to make this alteration, which will bring this affair properly under his royal consideration, and in case the same should be approved of by H.M., they may then pass bills for this purpose. *Enclose* Attorney and Solicitor General's opinion on the case of William White *etc.* (*v.* 26th July, 1725), "as a rule for you to govern yourself in this case, and for the future in the like circumstances." *Enclose* petitions of John Greathead and Thomas Rowland relating to grants of lands in St. Kitts. *Continue*:—We desire you will receive what proofs the petitioners can produce of the facts contained in their respective petitions, and that you transmit the same to us, together with your remarks and observations upon the whole *etc.* [*C.O.* 153, 14. *pp.* 203–205.]

Feb. 10. St. James's. **41.** H.M. Warrant appointing John Grimes to the Council of Virginia, in the room of John Lewis, decd. *Countersigned*, Holles Newcastle. [*C.O.* 324, 35. *p.* 159.]

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So. Carolina.

42. William Hammerton to Governor Nicholson. *Encloses* lists of his office *etc.* *Refers to* the President's sale of places *etc.* (*v.* Feb. 3–7). *Continues*:—These things have made some of your Excellency's enimyes see their error and earnestly wish for your return *etc.* We are informed my brother is like to come Secretary *etc.* *Signed*, Wm. Hammerton. *Addressed.* 1 *p.* [*C.O.* 5, 387. *No.* 64.]

Feb. 12.
St. James's.

43. Order of King in Council. Appointing William Pym Burt to the Council of St. Kitts (*v.* 4th Feb.). *Signed*, Robert Hales. *Endorsed*, Recd. 21st, Read 24th Feb., 172$\frac{5}{6}$. 1 *p.* [*C.O.* 152, 15. *ff.* 233, 234*v.*]

[?Feb. 12.]

44. Lords Proprietors of Carolina to the King. *Pray* for H.M. approbation of *etc.* the Honble. Col. Samuel Horsey whom they have appointed Governor of S. Carolina *etc.* *Set out*, A. P. C. III. *p.* 82. *q.v.* *Signed*, Beaufort, Craven, Ja. Beartie, John Tyrrell, J. Colleton, Hen. Bertie. [*C.O.* 5, 290. *p.* 170.]

Feb. 15.
Treasury Chambers.

45. Mr. Leheup to Mr. Popple. Encloses following, which he is now obliged to send, in answer to Col. Spotswood's representations. *Signed*, Peter Leheup. *Endorsed*, Recd. 15th Feb., Read 8th Sept., 1726. 1 *p.* *Enclosed*,

45. i. Extract of letter from John Grymes, H.M. Receiver General (*to Mr. Leheup*). Virginia, 25th May, 1724. Col. Spotswood has so embarrassed the affair of the land in Spotsylvania County, by granting vast tracts of it (after he knew he was removed from the Government) without rights, or a proper security for the payment of the value of 'em, that the Govermt. is now at a loss how to proceed in it according to the Order of the Lords Justices. The first time that order was laid before the Council here, I was (as Receiver General) ordered to demand the rights and quit rents due on all those grants that contained more than 1000 acres. This Col. Spotswood and some other gentlemen concerned thought not agreable to the intention of their Excellencys' Order, and thereupon made great clamour *etc.* I acquainted the Govr. therewith, and my opinion that none of those patents were valid in law, having been granted without rights, contrary to the law and custom of the Colony, and that the receiving the consideration money mentioned in the said patents (which is the rights) and the quit rents due thereon, was the only way left to strengthen and make valid these grants. Hereupon his Honour was pleased to desire me not to proceed in demanding either the rights or quit rents untill he should con-

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veniently call a Council *etc.* Since which I think the Council have unanimously advised that the officers of the Revenue should not demand either the rights or quit rents until H.M. pleasure be known, least the acceptance thereof should be taken as an allowance or approbation of the grants *etc.* Hearing that Col. Spotswood designs to England, and knowing his good will towards me, I beg leave to observe a few things to you, for the clearing some facts which I apprehend he may endeavour to make appear like negligence in me vizt., All patents being constantly prepared and passing the Seal of the Colony at the Secretary's Office, neither the Depty. Audr. or Recr. Genl. have any direction in issuing them. Till this instance, it has never been known that any patent has passed in that office without rights regularly produced. At the time Col. Spotswood signed those patents he acted as Secretary having done so from the death of Secretary Cocke, till the arrival of the present Govr., whereby he is answerable for all omissions in the Secretary's Office during that time. Altho' the bonds taken by Col. Spotswood's direction at the Secretary's Office in lieu of the rights, are upon a contingency made payable to the Receiver General, that officer never was acquainted therewith, but the bonds were kept at the Secretary's Office, in a manner concealed from him. When the Clerk of the Secretary's Office, who is Col. Spotswood's principal patentee, had taken some bonds requiring an absolute payment of the money to the Receiver General, if H.M. did not grant a remission of the rights, Col. Spotswood gave him another form of the bonds, whereby the patentee is left at liberty to surrender his grant or to produce importation rights. In Col. Spotswood's own case no bonds at all are given. Besides the two large grants to Hickman, Jones and Clayton of 68,000 acres for Col. Spotswood's use, he holds in the same county 25,391 acres by regular patents granted before the Address of the Council and Burgesses to H.M. Hickman has since the arrival of the present Governour prepared several patents for land in Spotsylvania County upon the same footing which the Govr. being a stranger has signed *etc.* *Copy.* 2 *pp.* [*C.O.* 5, 1320. *ff.* 31, 32, 32*v.*, 34*v.*]

Feb. 15.
Whitehall.

46. Mr. Popple to Mr. Bell Jones, Secretary to the Board of Ordnance. Asks for copy of plan and estimates of forts projected for the defence of Nova Scotia transmitted by the Engineer there in 1720. [*C.O.* 218, 2. *p.* 52.]

1725.
[Feb. 15.] **47.** William Hughes to the Council of Trade and Plantations. On behalf of Lynch Salusbury Cotton, prays that he may be heard against the Act of Jamaica *for settling Pero plantation etc. Signed,* Will. Hughes. *Endorsed,* Recd. 15th, Read 16th Feb., $172\frac{5}{6}$. $\frac{1}{2}$ p. [*C.O.* 137, 16. *ff.* 139, 140*v*.]

Feb. 16.
Whitehall. **48.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. We have lately received from H.M. Surveyor General of the Woods in America, an account sent him from his Deputy there, that the people of N. England do not only continue to deny H.M. right to the woods there, but do also cut and destroy them as they please. This is directly contrary to the Charter of the Massachusets Bay granted them by King William and Queen Mary, wherein there is an express reservation to the Crown "of all trees of the diameter of 24 inches and upwards at 12 inches from the ground, growing upon any soil or tract of land in the said Province, not heretofore granted to any private persons." The reservation in behalf of the Crown is entirely destroy'd by the construction which the people of New England put upon the 5th section of an Act pass'd in the 8th year of H.M. reign, entituled, an Act *giving further encouragement for the importation of Naval Stores etc.*, whereby it is enacted for the preservation of white pine trees for ye masting the Royal Navy, that "no persons within the Colonies *etc.* shall cut any white pine trees not growing in any township or the bounds thereof," *etc.* The construction they put upon this paragraph, is, that trees growing in any township are not the King's property, and that consequently the Surveyor Genl. has no power to prevent the people from cutting them, for their own use. The people of N. Hampshire having interpreted this Act of Parliament in the same manner, have got the best part of the Province granted out in townships; By which means unless a remedy be speedily applied, H.M. will be deprived of the benefit of any masts either growing in the Massachusets Bay or New Hampshire. In order to put a stop to so pernicious a practice, we inserted a clause in the draught of a bill for the encouragement of Naval Stores, which we prepar'd the last Sessions of Parliament. But as that did not pass, we take this opportunity of laying this matter before your Lordships, that you may give the necessary directions for preventing this growing evil. [*C.O.* 5, 915. *pp.* 446–448.]

Feb. 16.
Whitehall. **49.** Mr. Popple to William Hughes. In reply to his letter, the Board request that he will lay what he has to offer before them in writing. [*C.O.* 138, 17. *pp.* 55, 56.]

Feb.16.
St. James's. **50.** H.M. Warrant appointing William Pym Burt to the Council of St. Christopher in the room of John Davis. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *p.* 160.]

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Feb. 16.
Whitehall.

51. Council of Trade and Plantations to the Lords Commissioners of the Admiralty. Colo. Philipps, H.M. Governor of Nova Scotia, having represented to us the advantage it would be to the Fishery of that place, if one of the men of war that are to be appointed for the Newfoundland Convoy this year, were directed to cruize between Canço and Cape Sables, we thought it proper to give your Lordships this information, that you may give the necessary orders before the ships sail *etc.* The Fishery at Canço begins much earlier in the year than that at Newfoundland, and the man of war appointed last year for this service, did not arrive on the coast of Nova Scotia till the beginning of September; This occasion'd the breaking up of the Fishery sooner than would otherways have happen'd, several of the fishing ships having sail'd away with half of their loading; and as the dread of the pirates is always a great interruption to the Fishery, but more especially when the man of war is not expected till so late in the year, we must desire, your Lordships will please to give directions to the Captain of the man of war who is to attend this service, to be there as early as possible, because they begin to fish there the latter end of March or the beginning of April. [*C.O.* 218, 2. *pp.* 53, 54.]

Feb. 23.
Whitehall.

52. Order of Committee of Council. Referring to the Council of Trade and Plantations draft of new Revenue Bill for Jamaica *etc. v.* A. P. C. III. *p.* 74. *Signed,* Temple Stanyan. *Endorsed,* Recd. 1st, Read 4th March, $172\frac{5}{6}$. 2 *pp.* *Enclosed,*

52. i. Mr. Attorney and Solicitor General to the Lords Justices. Report upon Representation of the Board of Trade upon the Revenue Bill transmitted to Jamaica. Aug. 5, 1725. *Signed,* P. Yorke, C. Wearg. $8\frac{1}{2}$ *pp.* *Enclosed,*

52. ii. Amendments to Revenue bill sent from Jamaica, proposed by the Attorney and Solicitor General. $3\frac{1}{2}$ *pp.*

52. iii. Traders and Planters of Jamaica, now residing in Great Britain, to Mr. Attorney and Solicitor General. Answers to some of the objections to the Jamaica Revenue Bill put forward by the Board of Trade. *Signed,* John Sadler and 12 others. 18 *pp.*

52. iv. Order of King in Council, 3rd March, 1725, *v.* A. P. C. III, *p.* 73.

52. v. Lords Commissioners of the Treasury to the King. 5th Oct. 1725. Report upon Jamaica Revenue Bill. Approve of Representation of Board of Trade. *Signed,* R. Walpole, Cha. Turner, Will. Yonge, Wm. Strickland. *Copy.* 3 *pp.*

52. vi. Mr. Stevensone to the Committee of the Privy Council. Suggests that, in the light of recent advices from Jamaica, a fresh report be made upon the whole matter of the Revenue Bill *etc.* *Copy.* $1\frac{1}{2}$ *pp.*

52. vii. Draft of Revenue Bill transmitted from Jamaica, Jan., 1724. *Copy.* $12\frac{1}{2}$ *pp.* [*C.O.* 137, 16. *ff.* 175–180, 183–193*v.*, 195–198, 199–200, 201, 201*v.*, 203–210*v.*]

Feb. 23.
Office of Ordnance.

53. Mr. Short to Mr. Popple. Papers in our office relating to Nova Scotia are ordered to be transmitted to the Council of Trade and Plantations as desired, 15th Feb. *Signed,* Edwd. Short. *Endorsed,* Recd., Read 24th Feb., $172\frac{5}{6}$. $\frac{1}{2}$ *p.* [*C.O.* 217, 4. *ff.* 302, 330*v.*]

Feb. 24.
Admiralty Office.

54. Mr. Burchett to Mr. Popple. Reply to 16th Feb. Capt. St. Lo, Comander of the *Ludlow Castle,* now at Boston, will be ordered to proceed directly to Canso, and guard and protect the Fishery in those parts *etc.* *Signed,* J. Burchett. *Endorsed,* Recd., Read 25th Feb., $172\frac{5}{6}$. 1 *p.* [*C.O.* 217, 4. *ff.* 304, 305*v.*]

Feb. 25.
Office of Ordnance.

55. Mr. Short to Mr. Popple. *Encloses* three plans of the Fort of Annapolis Royal with Major Mascarene's explanation and an estimate, *etc.*, he being the Engineer appointed by this Office. *Requests* return of draughts. *Signed,* Edwd. Short. *Endorsed,* Recd. 25th Feb., $172\frac{5}{6}$, Read 16th May, 1727. $\frac{1}{2}$ *p.* *Enclosed,*

55. i. (a) A description of Nova Scotia, its boundaries, climate, soil, settlements, and inhabitants, including Annapolis Royal, Manis, Copequid, Chignecto and Canso. Urges immediate settling of country and that the French inhabitants should no longer be tolerated in their non-allegiance, but have a test put to them. A force of 700 or 800 men is required to make them comply with the terms prescribed to them, *etc.* *Signed,* P. Mascarene, Major of Foot and Engeneer. Approved, as agreeing with the unanimous opinion of H.M. Council, *Signed,* R. Philipps, John Doucett. (b) Representation of the Governor and Council of Nova Scotia to the King. Annapolis Royal, 27th Sept., 1720. (*v.* C.S.P., 1720. Sept. 26th, *No.* xvii.) *The whole endorsed as covering letter.* 16 *pp.*

55. ii. Explanation of draughts of Fort of Annapolis Royal, 21st Nov., 1720. *Signed,* P. Mascarene. *Approved,* R. Philipps. *Same endorsement.* $2\frac{3}{4}$ *pp.*

55. iii. Estimate of materials and labour required for proposed building of fort at Annapolis Royal. *Signed and endorsed as preceding.* $2\frac{3}{4}$ *pp.*

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55. iv. Account of material to be procured in Nova Scotia and of other materials required for proposed fort. *Signed and endorsed as No.* ii. 2¼ *pp.* [*C.O.* 217, 4. *ff.* 326–343*v.*]

Feb. 25. Whitehall. **56.** Council of Trade and Plantations to the King. *Reply to* 30th Dec., 1725. Have heard Mr. Douglas as to claim to lands in St. Kitts by Jeremiah Brown. *Continue:* As we do not find, that anybody pretends a claim in opposition to Mr. Brown, and that he and the persons under whom he claims have possessed and cultivated the same ever since 1715, *propose that* H.M. pleasure be signified to Govr. Hart that Mr. Brown remain in the quiet enjoyment thereof till H.M. pleasure be further known, and that in case Col. Hart shall have made any grants to dispossess Mr. Brown, that he immediately recall the same. [*C.O.* 153, 14. *pp.* 206, 207.]

Feb. 26. **57.** Capt. Paul George to [? *the Duke of Newcastle*]. The many obligations I have to your Grace are reasons for my taking this liberty *etc.* Three years and half ago I came to this place under his Grace of Montagu's protection in order for the expedition to Sta. Lucia, which miscaried *etc.* *Applied to Lord Carteret and was appointed Governor* of Montserrat, "which I had been informed was more profitable than it proves to be the number of inhabitants not exceeding 400 whites, the neat salary from the Crown list £174: and upon my honnour My lord, le tour de bâton does not amount to twenty pistoles a year. I must owne my Lord that I have a company in Col. Lucas's regiment within this Govenment, that was a change from a purchase I made near two years before I left England" *etc.* *Prays* to be appointed to succeed Col. Hope as Governor of Bermuda *etc.*, and begs his Grace "to think on Poor Paul" *etc.* *Signed,* Paul George. 3 *pp.* [*C.O.* 175, 1. *No.* 1.]

Feb. 26. St. James's. **58.** H.M. Warrant to Attorney or Solicitor General to prepare a bill for appointing Devereux Bacon Clerk of the Naval Office, Piscataway, N.H., in place of Butts Bacon, decd. [*C.O.* 324, 35. *pp.* 161, 162.]

Feb. 26. Boston. **59.** Lt. Governor Dummer to the Council of Trade and Plantations. *Refers to letter of* 18*th Jan., and following enclosures. Continues:*—I am informed the Judges [*of the Superior Court*] have nevertheless proceeded finally to prohibitt the Court of Admiralty in the cases therein mentioned *etc.* *Asks for* the Board's directions therein, and *refers them* to papers transmitted to the Admiralty. *Signed,* Wm. Dummer. *Endorsed,* Recd., Read 28th April, 1726. 1½ *pp.* *Enclosed,*

59. i. Lt. Governor Dummer to the Judges of the Superior Court of the Massachusetts Bay. Castle William,

1726.

18th Feb., 1725(6). Suggests, upon following application, that they should stay executions on prohibitions already granted until August, when instructions may be expected to have arrived from home *etc.* *Signed*, Wm. Dummer. *Same endorsement. Copy.* 1 *p.*

59. ii. Petition of Officers of the Vice-Admiralty Court, Mass., to Lt. Gov. Dummer. *Pray to* be relieved against some prohibitions granted by the Supreme Court there in relation to seizures for breach of the Acts of Trade. The Vice-Admiralty Court for many years past in this Province and throughout all the Plantations has taken cognizances of such cases. But upon three such informations exhibited by Robert Robinson, H.M. Collector at Salem, the Judges of the Superior Court have prohibited the proceedings of the Vice Admiralty Court, declaring that the matters laid in the said informations ought to be tried in the Courts of Common Law. Admiralty and Commissioners of Customs have been informed *etc.* *Signed*, J. Menzies, Judge of the Vice-Admiralty Court, Robt. Auchmuty, H.M. Advocate, and John Boydell, Register of the said Court. *Same endorsement. Copy.* 2½ *pp.* [*C.O.* 5, 869. *ff.* 240, 240*v.*, 241*v.*–244*v.*]

Feb. 28. **60.** Mr. Whitaker to Governor Nicholson. Captain Rider has been detain'd by contrary winds in Rebellion Road a considerable time so that you will receive this as soon as those which I last addressed to your Excellency *etc.* The Assembly is prorogued till next month *etc.* *Refers* to their resolution concerning places, 3rd Feb. There was not one man who spoke in the President's justification *etc.* It is now confidently affirmed that wee are to see your Excellency no more in Carolina *etc.* *Signed*, Benja. Whitaker. *Addressed.* 2 *pp.* [*C.O.* 5, 387. *No.* 65.]

March 1. **61.** Declaration by Mrs. Penn that the royal approbation of Patrick Gordon to be Deputy Governor of Pennsylvania and the Three Lower Counties upon Delaware River, shall not be construed to diminish the right claimed by the Crown to the said Three Lower Counties. *Signed*, Hannah Penn, in the presence of S. Clement and Will. Penn. *Endorsed*, Recd., Read 16th March, 172$\frac{5}{6}$. *Sealed.* ⅔ *p.* [*C.O.* 5, 1266. *ff.* 200, 201.]

March 1. **62.** Similar Declaration. *Signed*, Springett Penn. *Endorsed as preceding. Seal.* 1 *p.* [*C.O.* 5, 1266. *ff.* 202, 203*v.*]

1726.
March 3.
Whitehall.

63. Mr. Popple to Francis Lynn, Secretary of the Royal African Company. Sends following queries, for reply by Monday, "the Board intending to sit that evening to consider thereof, that a state of this matter may be ready to be laid before Parliament this session, in case the same shall be thought necessary." *Annexed,*

63. i. Queries. (1) Whether it be for the service of the Publick, that the African Trade should be carried on by a Company, or laid entirely open? (2–5) Enquiries as to the forts and settlements on the coast of Africa.

Mem. Like letters were writ to Mr. Wescomb, Secretary to the South Sea Company; Sir Abram Elton; Mr. Brereton; Mr. Morris; Mr. Harris; Mr. Newport; Mr. Cary; Mr. Tryon; Mr. Perry; Mr. Hyde; and Mr. Douglass. [*C.O.* 389, 28. *pp.* 282, 283.]

March 3.

64. Mr. Fane to the Council of Trade and Plantations. *Report upon* Act of Jamaica *for setling Pero Plantation etc.* The legislature should rarely interfere in matters of private right, but this may safely be passed, there being great danger in not having this plantation setled, and there being no sufficient titles set up or allegations proved to prevent its confirmation *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 4th March, Read 6th July, 1726. 5$\frac{2}{3}$ *pp.* [*C.O.* 137, 16. *ff.* 219–221*v.*, 222*v.*]

March 4.
Whitehall.

65. Order of Committee of Privy Council, referring Governor Shute's Memorial (*enclosed*) to the Council of Trade and Plantations for their report what methods may be most proper to be taken for the relief of petitioner. *Signed,* Robert Hales. *Endorsed,* Recd., Read 15th March, 172$\frac{5}{6}$. 1 *p.* *Enclosed,*

65. i. Petition of Governor Shute to the King. *Refers to* his Memorial upon the State of New England and proceedings thereupon, 1722–1725, with reports of Committee of Council in his favour (*v.* A. P. C. III. *No.* 75). *Continues:*—During these transactions Petitioner, besides the expense of a hazardous winter voyage, has attended here at great expenses, and kept a family in New England without receiving any salary from either Province *etc.* On his arrival at his Government, the people showed so little regard to H.M. Instructions that the salary allowed him by both the Provinces did not together exceed £400 sterl. per annum *etc.* It appears manifest it is impossible for your Majesty's Governor of these Provinces to support your Royal Prerogative and discharge the trust reposed in him without having a certain salary fixt suitable to his post and independant of the people. *Prays* for H.M. orders for pay-

ment of the arrears of his salary and for the settling a suitable salary on the Governor for the future *etc.* 3 *pp.*

65. ii. Journal of the House of Representatives of the Massachusetts Bay, Jan. 3–5, 1725(6). *Printed,* by B. Green and S. Kneeland. 4 *pp.* [*C.O.* 5, 869. *ff.* 220, 221–224, 225*v.*]

March 4.
Whitehall.
66. Council of Trade and Plantations to Governor the Duke of Portland. *Acknowledge* letters of 2nd June and Dec. last. *Continue:*—We are very much concern'd to find that the Island under your Grace's Government is reduc'd to such a state of confusion; but as there are many matters of consequence contain'd in your Grace's letter and the papers that accompanied it, it will require some time to digest our thoughts thereupon, in order to lay them before H.M. for his directions; however, in the mean time, we are glad to observe that your Grace has adher'd to your Instructions in refusing to give your assent to the bill wherein there was a clause inserted to repeal that which granted a perpetual revenue to H.M. in 1724. The bill for perpetuating the laws of the Island, sent home some time since by your Grace, has not yet been finally determin'd upon, but no time will be lost *etc.* We have no reason to apprehend that any letters your Grace has sent to us are made publick by any person in our Office. [*C.O.* 138, 17. *pp.* 56–58.]

March 5.
Whitehall.
67. Duke of Newcastle to Governor the Duke of Portland. A few days since I was honoured with your Grace's letters *etc.* of Dec. 18th, relating chiefly to H.M. Instructions for continuing the Revenue Act, and the other laws of Jamaica for one year longer. Altho' I have not yet received H.M. commands upon those letters, I would not omit this occasion of acknowledging the receipt of them, till such time as I shall be enabled to answer them more distinctly. In the mean time I can assure your Grace there is no foundation for what has been insinuated by some of the Assembly, as if it were H.M. intention that the laws of Jamaica should be renewed only from year to year. But your Grace cannot but be sensible, that the ascertaining the revenue, in order to provide for the support of the Governmt. of Jamaica, and the perpetuating the laws there, are of great consequence to H.M. service, and the welfare of the island; and therefore it has required more time than ordinary to settle it in such a manner, as may most effectually answer those purposes. But I have now the pleasure to acquaint your Grace, that the whole is in such a forwardness before H.M. in Council, that I make no question, but it will soon be brought to a final determination. I thought it necessary to give your Grace this information,

that you may have an opportunity of undeceiving those who have been made to believe the contrary. *Signed,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 162, 163.]

March 5. London. **68.** Mr. Perry to Mr. Popple. Encloses following, in reply to queries of 3rd inst. *Signed,* Micajah Perry. *Endorsed,* Recd. 7th, Read 8th March, 172$\frac{5}{6}$. $\frac{1}{2}$ *p.* *Enclosed,*

68. i. Merchants trading to Virginia to the Council of Trade and Plantations. (i) The welfare of the British Plantations in America depends upon the carrying on the African trade in the most extensive manner, and in the most frugal method, and that it be free and independent *etc.* Separate traders carry on their trade with less charge, more frugality and diligence than a Corporation *etc.* As the prosperity of the British Plantations depends upon their being plentifully supplied with negroes, the carrying on the African trade by an exclusive Company will make their all (for their being supplied with negroes is so to them) be subjected to the mercy of a Corporation. But if the trade be laid entirely open, the planters will be at liberty to supply themselves with negroes, if no body else will *etc.* 2 *pp.* [*C.O.* 388, 25. S. 31.]

March 7. Poole. **69.** Petition of Mayor and Merchants of Poole, concerned in the Fishery of Newfoundland, to the Council of Trade and Plantations. The fisheries of the N. and N.W. parts of Newfoundland surrendered by the French in the Treaty of Utrecht, are very good, but the coast is dangerous and utterly unknown to our seamen *etc.* *Pray that* a proper person may be appointed to make a survey thereof, for want of which our ships dare not adventure to sail into those parts *etc.* 48 *signatures.* *Endorsed,* Recd. 10th, Read 17th March, 172$\frac{5}{6}$. 1 *p.* [*C.O.* 194, 8. *ff.* 17, 17*v.*]

March 8. Custom House. **70.** Mr. Carkesse to Mr. Popple. In reply to 9th Feb. encloses following. *Concludes :* Besides the expences mentioned in the account there are several other charges paid in the respective Islands out of the said duty. *Signed,* Cha. Carkesse. *Endorsed,* Recd. 8th, Read 9th March, 172$\frac{5}{6}$. *Addressed.* 1 *p.* *Enclosed,*

70. i. Account of the produce of the 4$\frac{1}{2}$ p.c. duty in Barbados and the Leeward Islands Xtmas 1715-1724. 1716, £9720 17*s.* 4*d.* ; 1717, £10,735 19*s.* 7*d.* ; 1718, £13,411 10*s.* 3*d.* ; 1719, £8678 16*s.* 7*d.* ; 1720, £3916 5*s.* 6*d.* ; 1721, £8,236 12*s.* 4*d.* ; 1722, £2,900 ; 1723, £2,200 ; 1724, £4,000.—Total sent home by bills of exchange, £63,800 1*s.* 7*d.* Paid for freight, customs and other incidental expenses, £17,646 8*s.* 10*d.* Nett money

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paid into the Exchequer, £46,153 12*s.* 9*d.* *Signed,* R. Parsons, Compr. Genl. 1 *p.* [*C.O.* 28, 18. *ff.* 242, 243, 245*v.*]

March 9. Lyme Street. **71.** William Tryon to Mr. Popple. *Encloses* following, after having shown the Board's queries of 3rd inst. to some of the most considerable West India Planters now in England and having their approbation of his answers *etc.* *Signed,* Wm. Tryon. *Endorsed,* Recd. 10th, Read 11th March, 172$\frac{5}{6}$. *Addressed.* $\frac{2}{3}$ *p.* *Enclosed,*

71. i. *Same* to the Council of Trade and Plantations. *Encloses* following, "signed by the most considerable proprietors of the land and negroes in Barbados, who also then signed a petition to Parliament for a settlement of the trade to Africa to be carried on by a Company *etc.*" *Replies to Queries.* (i) Experience hath proved that laying the trade open, hath produced so many seperate interests and buyers, on the coast bidding one on the other, that they have raised the price of negroes on the Gold Coast and at Whidah to six times the price, they were purchased by the Company when they enjoyed their Charter *etc.* Nothing can reduce the price of slaves so as to be sold in the Plantations at reasonable rates, but one united interest which in time will reduce the exorbitant impositions of the negro merchants, when they see they have but one set of buyers *etc.* *Signed,* Willm. Tryon. 3 *pp.*

71. ii. A joint letter from the most considerable Proprietors of Barbadoes *etc.* *Duplicate of* C.S.P. 1709, *No.* 892. iii. *Printed.* 4 *pp.* *Endorsed as covering letter.* [*C.O.* 388, 25. S. 34.]

March 9. Whitehall. **72.** Mr. Popple to Mr. Carkesse. In reply to *No.* 70 requests separate returns for 4½ p.c. duty in Barbados and Leeward Islands. [*C.O.* 29, 14. *p.* 419.]

March 10. Boston. **73.** Mr. Armstrong to [? *Mr. Burniston*]. Since my last, 5th Nov., I have been a considerable time in the woods. The inhabitants still claim the woods within the townships by the late Act *etc.* *Refers to* previous memorials and letters. *Concludes* :—I have marked with ye broade R in ye woods in New Hampsheire aboute 300 trees, and aboute 200 in Main fit for H.M. service. *Signed,* Robt. Armstrong. *Endorsed,* Recd. (from Mr. Burniston) 17th, Read 21st June, 1726. 2 *pp.* [*C.O.* 5, 869. *ff.* 245, 246*v.*]

March 11. St. James's. **74.** Order of King in Council. Approving of appointment of Major Patrick Gordon as Deputy Governor of Pennsylvania, provided he qualify himself as the law directs and give security as proposed, and that Springett and Hannah Penn make the declaration proposed (*v.* 1st March and undated document, 1726, and A. P. C. III. *No.* 94). *Signed,* Edward Southwell. *Endorsed,* Recd., Read 16th March, 172$\frac{5}{6}$. 2$\frac{1}{3}$ *pp.* [*C.O.* 5, 1266. *ff.* 198–199*v.*]

March 15. Admiralty Office. **75.** Mr. Burchett to Mr. Popple. H.M.S. *Argyle,* Captain Bouler, being design'd to go convoy this year to Newfoundland, *requests that* instructions and heads of enquiry may be prepared as usual *etc. Signed,* J. Burchett. *Endorsed,* Recd. 16th, Read 17th March, 172$\frac{5}{6}$. *Addressed.* $\frac{2}{3}$rd *p.* [*C.O.* 194, 8. *ff.* 18, 19*v.*]

March 15. Whitehall. **76.** Mr. Popple to Robert Chester. Encloses queries concerning African trade as March 3. *Mem.* A similar letter was written to Messrs. Serle, Lascells, Trahec, Palmer, Caswell, Crookshank, Breholt and Sir Dennis Dutry [*West India merchants,* Ed.]. [*C.O.* 389, 28. *p.* 285.]

March 17. **77.** Council of Trade and Plantations to the King. Recommend Arthur Kennedy for the Council of New York, in place of Thomas Byerly decd. [*C.O.* 5, 1124. *pp.* 383, 384 ; *and* (*rough draft*) 5, 1079. *No.* 142.]

March 17. **78.** John Becher *etc.* on behalf of Bristol merchants trading to the coast of Africa *etc.* to the Council of Trade and Plantations. *Reply to* queries, 3rd inst. Experience shows that it is for the interest of the publick to have the trade to Africa free and open, for in the most flourishing time the Africa Company never carried above 5,400 negroes pr. ann., whereas the Separate Traders have and do not carry less than 30,000 pr. ann. into the Plantations whereto by their rival industry they have been prompted to carry them even where the Company have had little or no concern, as Virginia, Carolina and other parts of that Continent. We now employ 63 ships *etc. Signed,* John Becher, Peter Day, Will. Jefferis. 3 *large pp. Enclosed,*

78. i. List of (63) Bristol ships on the African trade, capable of carrying 16,950 negroes. The complement varies from 450 to 150 per ship. *Endorsed,* Recd. Read 18th March, 172$\frac{5}{6}$. 2 *pp.* [*C.O.* 388, 25. S. 37.]

March 17. Crutched Fryers. **79.** Mr. Chester to Mr. Popple. Thinks it would be best for the African trade to be carried on by a Company, " provided sutch Company be stricktly obliged to carry on the trade to the utmost extent, and thatt great care be taken thatt they supply all H.M. Plantations with a sufficient quantity of negroes annually to carry on their settlements att reasonable rates, and care should also be taken that the South Sea Company are not prejudiced in providing negroes to supply the Assiento contract" *etc.* A Company, with no other persons to oppose them in trade, can buy their negroes on reasonable terms *etc.* *Signed*, Robert Chester. *Endorsed*, Recd. 17th, Read 18th March, 172$\frac{5}{6}$. 3 *pp.* [*C.O.* 388, 25. S. 38.]

March 18.
London.

80. Merchants of London trading to the coast of Africa to the Council of Trade and Plantations. We are unanimously of opinion that it will be for the service of the publick and the benefit of the Plantations that the trade to Africa should remain free and open, which we think the best and only method to preserve, improve and increase this valuable branch of trade to this Kingdom *etc.* 49 signatures. *Endorsed*, Recd. Read 22nd March, 172$\frac{5}{6}$. 4 *pp.* [*C.O.* 388, 25. S. 39.]

March 18.

81. Sir Denis Dutry to the Council of Trade and Plantations. Thinks the African trade is best to be carried on by a Company, so all others be excluded *etc.* *Signed*, Denis Dutry. *Endorsed*, Recd. 18th, Read 22nd, 172$\frac{5}{6}$. 2 *pp.* [*C.O.* 388, 25. S. 41.]

March 18.
Whitehall.

82. Mr. Popple to Joshua Gee, merchant. Encloses queries as 3rd March. [*C.O.* 389, 28. *pp.* 286, 287.]

March 19.
Stoake Newington.

83. E. Lascelles to Mr. Popple. Replies to queries, 3rd March. The African trade cannot well be carried on to any advantage except by an exclusive Company. Laying open the trade has redounded to the advantage of the natives. £3 worth of goods here used to purchase a good slave, now £16 wont buy one *etc.* When the trade was exclusive, the planters were very well supplied and at a cheaper rate than ever since *etc.* *Signed*, E. Lascelles. *Endorsed*, Recd. 21st, Read 22nd March, 172$\frac{5}{6}$. $1\frac{1}{4}$ *pp.* [*C.O.* 388, 25. S. 43.]

March 21.
London.

84. J. Douglas to the Council of Trade and Plantations. In reply to queries (3rd March), thinks the African Trade ought to be carried on by a Company, "It being already too apparent by its being open to every trader, the several competitors have risen the price of negroes so excessively, that the planters are not able to purchase enough for the carrying on their sugar and other works, and that without due care not only our trade for slaves on that coast, may be entirely lost *etc.*, but shall be obliged to buy sugars in forreign markets, even for our home consumption, as may appear from the annexed account of what the Dutch have imported from the distantest place of Asia for these ten years past," *etc.* Is no African trader, but a real and hearty well wisher to our Plantations *etc.* *Signed*, James Douglas. 2 *large pp.* *Enclosed*,

84. i. *Same* to *Same*. Negroes are the essentialest article towards improving all our English Plantations, the

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dearth renders the poor planter incapable of enlarging his stock or improving any more ground than for the immediate support of himself *etc.* Rich people will trust a poor planter one negroe at £15, which they won't do when at £30 *etc.* The dearth of negroes is the true reason why so many millions of acres both on our islands and on the main ly unimproven, and the industry of our planters is mostly lost. Which if not timely prevented, we shall by the art and cunning of our neighbours loose all our sugar trade, as you may observe from the following sketch of sugar imported into Holland from the East Indies since anno 1716 *etc.* *Figures given etc.* *Signed,* James Douglas. *Endorsed,* Recd. Read 22nd March, $172\frac{5}{6}$. 3 *large pp.* [*C.O.* 388, 25. S. 40.]

March 21. **85.** T. B. to the Council of Trade and Plantations. The African Trade would be best carried on by a Company with exclusive privileges *etc.* *Signed,* T. B. *Endorsed,* Recd. Read 22nd March, $172\frac{5}{6}$. 7 *pp.* [*C.O.* 388, 25. S. 42.]

March 22. **86.** Samuel Ogden and Charles Pole in behalf of the merchants of Liverpoole trading to the coast of Africa to the Council of Trade and Plantations. *Reply to Queries of 3rd March.* It is with the utmost concern we observe the repeated and restless endeavours of the African Company to deprive the outports of their share in a free and open trade to Africa, which with that to the Plantations intirely dependant upon it, is their only support, their bread, their all *etc.* One instance of their fallacious pretences is their suggesting a trade in danger of being lost to the nation, when it never flourished in an equal degree *etc.* Monopolies in trade have in many former reigns been condemned etc. Reason and constant experience prove them a great hindrance of the growth of trade *etc.* *Argued at length. Continues:*—The numerous complaints of our West India Plantations against the arbitrary exactions of the Company in the sale of those few negroes they did bring in, and their not importing a fourth part of the number wanted, their neglect of several parts as Virginia, Maryland, Carolina *etc.*, whither they brought few or none, these sufficiently show this was not a proper method of carrying on this trade *etc.* Since the trade was freed, it has come to be as advantageous a branch of trade as belongs to the Nation, and the number of ships engaged in it from Liverpoole only has risen from one or two to 21 besides at least 70 or 80 more yearly sent from that place to bring home the American productions raised and brought to perfection by the labour of the African negroes, and the manufactures of cotton, woollen, copper, pewter etc. spread particularly all over the County of Lancashire, so much influenced by this trade, are now put into the most flourishing circumstances *etc.* *Signed,* Saml. Ogden, Cha. Pole. *Endorsed,* Recd. Read 23rd March, 172$\frac{5}{6}$. $2\frac{2}{3}$ *large closely written pp.* *Enclosed,*

86. i. List of (21) ships from Liverpool engaged in the African Trade. Oct. 20, 1725. Carrying 5,200 negroes. $\frac{3}{4}$ *p.* [*C.O.* 388, 25. S. 44.]

March 23. London. **87.** Mr. Godin to the Council of Trade and Plantations. Encloses following, in pursuance of his proposal concerning the bounty on Naval Stores. *Signed,* Stephen Godin. *Endorsed,* Recd. 22nd March, 172$\frac{5}{6}$, Read 28th Sept., 1727. 1 *p.* *Enclosed,*

87. i. Clause proposed to be added to the Bill for the importation of Naval Stores. Embodying proposal of Jan. 16, 1725 *q.v.* $\frac{3}{4}$ *p.* [*C.O.* 323, 8. *Nos.* 76, 76. i.]

March 23. **88.** Lords Proprietors of Carolina to the Lords of the Committee of Council. *Ask for* the appointment of a short day for hearing the matter [of the appointment of a Governor] in reference before their Lordships. The postponements of the hearing (*v.* A. P. C. III. *No.* 69) were procured merely to delay the matter and increase Memorialists' expenses in feeing Counsel *etc.* The absence of Lord Carteret in Ireland cannot be any obstruction in determining the matter, Memorialists being six of the eight Proprietors. They don't doubt he would concur, and if he did not, he would be concluded by the majority *etc.* *Signed,* Beaufort, Craven, Ja. Bertie, J. Colleton, H. Bertie, John Tyrel (*v. undated document at end of this year*). [*C.O.* 5, 290. *pp.* 172, 173.]

March 24. Aldermanbury. **89.** Mr. Palmer to the Council of Trade and Plantations. Answers to queries of 15th inst. The African trade will be best carried on by a Company *etc.* *Signed,* Hen. Palmer. *Endorsed,* Recd. 26th, Read 31st March, 1726. 2 *pp.* [*C.O.* 388, 25. S. 47.]

[March 24] **90.** Capt. Bradstreet to the Council of Trade and Plantations. Has been instructed by Governor Philipps to report on clandestine trade carried on by the people of New England, and the French inhabitants of Nova Scotia, with Cape Britton and Canada. Has served 10 years in that country, during four of which he commanded a privateer against the Indians by a commission from Governor Philipps, and has been dispatched by him several times through the country, where he was obliged to live in the woods with the Indians for months together *etc.* The French inhabitants buy up our cattle, flour and furs and take them through the woods to their vessels awaiting them in Cape Verd, and carry them to Cape Britton. The inhabitants

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of Nova Scotia likewise have about 12 vessells of their own, with which they follow the same trade, and pass and repass within three leagues of Canso, insult the Government, and laugh't at all orders to the contrary. When I have been cruizing on the Banks and sent express into Louisburg, I have seldom failed of meeting the vessells of the people of New England, some laden with cattle, some with boards, shingles *etc.*; and others with beef, pork and other provisions, bound for Cape Britton tho' cleared out for Canso, and particularly last August I saw ten New England sloops and schooners, and one ship in the harbour of Louisburg, all to be sold to the French both vessells and cargoes; which occasioned such plenty of provisions there, that the price of one sheep at Canso was equivalant to that of two at Cape Britton; and at the same time arrived four vessells from Nova Scotia, which brought eighty odd oxen and cows, great store of sheep, and other fresh provisions, and a great quantity of furrs; being thus furnished with vessells, and with the timber of Nova Scotia to build others, Cape Britton affording neither timber nor provision, they are enabled to vie with us in the forreign fish trade, and reap as much benefitt from Nova Scotia as if they were still Proprietors thereof. *Proposes* that a small vessel of 60 tuns should attend that Government, which kept cruizing between Caple Sables and Bay Verd would soon prevent all this clandestine trade, besides keeping an open communication between H.M. Garrisons *etc.* *Signed*, John Bradstreet. *Endorsed*, Recd., Read 24th March, $172\frac{5}{6}$. 2 *pp.* [*C.O.* 217, 4. *ff.* 306–307*v.*]

March 25. **91.** Petty expences of the Board of Trade, Christmas to Lady Day, 1726. £134 17*s.* 3½*d.* Stationer's account, £61 10*s.* 10*d.* Postage, £13 1*s.* 4*d.* *Endorsed*, Read July 14, 1726. 4½ *pp.* [*C.O.* 388, 78. *ff.* 141, 142*v.*, 145–146*v.*]

March 25. Whitehall. **92.** Mr. Popple to John Scroop. *Encloses* draft of bond to be given by Depty. Governor Gordon for his observance of the Acts of Trade. Two sureties in £2000. *Concludes*:—My Lords Commrs. observing that the Deputy Govrs. have not regarded that Instruction, which directs them to give bond to H.M., that they will not, during their continuance in their Government, trade as merchants for themselves, or a factor for others *etc.*, have therefore thought fit to insert this Instruction in the bond enclosed *etc.* *Annexed*,

92. i. Draft of bond referred to in preceding. [*C.O.* 5, 1293. *pp.* 352–361.]

March 25. Whitehall. **93.** Mr. Popple to Mr. Burchett. In reply to 15th March, encloses Heads of Enquiry. *Note in margin*: "which were required in such haste that they were sent in columns without alteration from last year." [*C.O.* 195, 7. *pp.* 142, 143.]

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March 26.
Whitehall.

94. Duke of Newcastle to Governor Worsley. *Writes* at request of Sir Mathew Decker, a Director of the East India Company, and "one of the chief of our merchants." He is obliged to sue William Gordon, Minister of Bridge Town, for a considerable sum of money. Thomas Foster, a merchant at Barbados, is employed in the prosecution of that suit. *Requests* him to see that justice is done *etc.* *Signed,* Holles Newcastle. [*C.O.* 324, 35. *p.* 164.]

March 27.
Province of N. Hampshire.

95. Lt. Governor Wentworth to the Council of Trade and Plantations. *Refers to letter* of Aug. 27 last and refers to enclosed treaty made with the Eastern Indians in conjunction with the Massachusets Government. *Continues*:—The ratification will be in May next; by what wee can learn: The Indians seems to be well disposed, if continuing so untill our next meeting I shall be in hopes of a lasting peace. Here is a brave country, in case the Indians could be brot. to subjection to ye English: Wee should greatly increase in numbers tho' not in riches. Provisions would in seven years be as plenty as in Ireland. The Indian war cramps us extreamly, driving the people into garrison that they cant work half their time *etc.* The Massachuset Govermt. did in their last Sessions pass a vote for selling a tract of land to a number of people for £500. My Lords, This land lyes near the center of this Province, of New Hampshire; and is about thirty miles from New Castle wch. is our principle seaport. They take it from the words of their Charter which say's three miles to the Norward of Merrimack. Now Merrimack that is the first branch, runs from the seaboard or entrance, of the river; up severall miles nearest west; At the first settlement they concluded that the currant of the river run on a West point of the compass, but since ye woods are clear'd wee find ye river runs from the west bending round to the N.N.E., or N.E. b(*y*) North which lyne continued as the river runs cuts of two thirds of New Hampshire. Were there a lyne run from Pennecook the place they lately sould before mentioned, I say a streight lyne from thence to the sea, would take more then two thirds of the Province. The Massachusets will never desier to have the lyne settled, and they take this oppertunity, and make their advantage in selling all that land which lyes three miles to the norward of Merrimack. Therefore wee humbly pray your Lordships to consider our condition and set us at liberty for we being a small Govermt. to them, they dispise and lay heavier burthen on us, then we can bear, and suffer many hard things from them, if the Generall Governr., when he comes to vissit us; and shd. happen to pass any act, in our favour, if it be but the value of a barley corn touching their interest they will never suffer the Governr. to be at peace untill they have obliged him to repeal such act, or acts; if the lyne were settled it would greatly serve this

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Govermt. Wee should have from all parts come and settle with us, by which means; we should be much more strengthned and able to withstand the Indians in case of a new war. In my former letters I gave your Lordships account that the Massachusets made alians of us, so as that they impose double dutyes for all merchandise, we send there, we also payd double light money, as also powder money. Wee have severall times complained of the hardship but to this day no releife. I say nought but the truth and if occation require it can support what I here say by good evidences. I would once more renew my petition for the settling the lyne between us, its ye only thing that can make this Province thrive. Togeather with a Peace, and likewise save a great number of pine trees. Otherwise what I wrote your Lordships 21st Jan. 1724 will soon come to pass relateing pine trees; wch brings me to say what I was in hopes, I shd. have no occation to do. I think it my duty and cant be just to my trust, when I see H.M. intrest, as also the intrest of this Province suffer and sett still and take no notice of it. In the beginning of ye winter seeing no Officer appointed to take care of ye King's woods, I thot it my duty to put up notifications, at all proper places forbidding any person goeing into the King's woods to cut or fell any pine trees: untill further order, except dry trees or windfalls, which order in this Province was strictly observed, untill Mr. Armstrong came to Piscataqua. I then asked him to se his deputation, in fine I found he had no other but his old one. I told him it was not right for that he was not turned out of his office for any mismanagement of his office as Collector, but for being disaffected to the present happy Constitution, wch. I must say, that I believe he was wronged and misrepresented in that, but if he was out of his Collector's place for being so misrepresented it must certainly affect all other places he sustained under the Crown, and therefore ought to have had a new deputation from Mr. Burnston, but I having a letter from Governr. Shute, also from the Serveyor Generall, that he came wth. like power of Deputy Serveyor as before, considering everything and least any advantage should be taken by the people and so spoyle might be made, hanging between boath, I said to Mr. Armstrong, go on and I'le assist you all I can, but I must represent it to the Lords for Trade *etc.* My Lords, I'm sorry that I must advise that there hath been more pine trees cut into mill loggs since ye middle of December last, then in four years past, and the greatest part out of that spot of fine timber, I formerly advised your Lordships off, and is what would come into this Province; were the lyine settled by a wrong construction they put on the point of the compass, from Quamphragen landing place. The lyne ought to run north westerly, somewhat less then half a point to ye westward of the north, it's certainly just that the lyne runs so. Now the people of the other Province having a full swing on that side in destroying the King's timber and on the other side selling our land, that in short between boath we shall be brot. to nothing, by a modest computation there hath not been less than ten to fifteen thousand loggs cutt at Nechawannack, Berwick and the Province of New Hampshire. Some trees makes [*two*] loggs, some three, and some few four. I expect this letter will make me some enemies; I declare what I have wrote is out of principle and what is my duty. As for Mr. Armstrong he is a gentleman that I have a perticuler respect for, and will do him any act of friendship in my power, but in this must ask his pardon: if it were my brother, shd. do the same. There is also a large ships load of masts, sixty odd masts, yards, bowsprits, some cut in property, others in the King's woods, and are for acct. Messrs. Baley and Haws merchts. in London; there is not ye King's lycence for cutting them wch. is directly contrary to Act of Parliament. Inclosed is Mr. James Jaffrys acct. who acted for Mr. Collector Bacon in his life time, and some time after his death. The accts. are to 25th Dec., 1725, since wch. the Serveyor Generall of H.M. Customs appointed Mr. Theodore Atkinson Collector in the room of Mr. Bacon deceased. The great ship I formerly advised your Lordships of is now loaden wth. oak timber and near sailing for Lisbon. P.S.—Inclosed is a verry exact draft of Merrymack River, by which your Lordships will see how far round the Massachusets Bay goes and where Pennycook comes *etc.* *Signed,* Jno. Wentworth. *Endorsed,* Recd. 16th May, Read 30th June, 1726. 3 *pp.* *Enclosed,*

95. i. Articles of Peace concluded with the Eastern Indians by Lt. Governor Wentworth. Boston, 15th Dec., 1725. *Copy.* 1½ *pp.*

95. ii. Submission and agreement of the Eastern Indians. *Copy of No.* 5. ii. *Endorsed,* Recd. 16th May, 1726. [*C.O.* 5, 869. *ff.* 255–256, 258–261*v.*, 262*v.*]

[March 28] **96.** Memorial by Capt. Taverner to the Council of Trade and Plantations. *Proposes* himself as a proper person to make the survey desired by the merchants of Poole (*v.* 7th March). Memorialist has a suitable vessel now ready, in which he proposes to sail to Newfoundland and erect some salmon fisheries *etc.* Refers to his former surveys *etc.* At the former rate of pay, the total cost for 2½ years would be £2037 10*s.* *etc.* *Signed,* Wm. Taverner. *Endorsed,* Recd. 28th, Read 29th March, 1726. 2 *pp.* *Enclosed,*

96. i. Capt. Taverner's account for charge of surveying Newfoundland 1714 *etc.* 1 *p.* [*C.O.* 194, 8. *ff.* 20–22*v.*]

1726.
March 30.
Whitehall.

97. Council of Trade and Plantations to the Lords of the Committee of the Privy Council. *Reply to* 4th March. The salary payable to H.M. Governors of N. England, has never been settled according to H.M. directions signified by his Instructions to the several Governors thereof, but has been constantly paid in such proportions as the people of New England have judg'd he deserv'd: Wherefore, considering that this method of paying the Governor's salary, is making him, in a great measure, dependant upon the people; we would humbly propose, that the Govr. of New England should have a salary allow'd him by H.M. to be paid at home, as was done when Genl. Nicholson was appointed Govr. of S. Carolina, and Collo. Phillipps, Govr. of Nova Scotia, till such time as the people of New England can be brought to a better temper of mind and induced to make a suitable fixed and perpetual provision for H.M. Governors of that Province. As to the other part of Colo. Shute's petition, praying that the arrears of salary may be allow'd him for the time he has been absent from his Government, and considering that it is more than probable the people of New England will pay him no arrears, especially as he left his Government to complain against them; we must likewise humbly submit it to H.M., what may be a proper recompence for Mr. Shute's expence and trouble in three years attendance here, at a distance from his family, for H.M. service and for the maintenance of His Royal prerogative. [*C.O.* 5, 915. *pp.* 450–452.]

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98. *Same* to the King. Propose George Lucas for the Council of Antego in place of Col. John Hamilton, decd. [*C.O.* 153, 14. *p.* 208.]

March 30.
Whitehall.

99. Council of Trade and Plantations to the Duke of Newcastle. *Quote* Memorial from the Mayor *etc.* of Poole. *Continue*:—In our humble opinion, nothing will tend more to the publick service than that a survey be made of the West and North West parts of Newfoundland, as proposed by the aforesaid Memorial. We think this the more necessary, not only as it will greatly increase the cod fishery, but as it will be a means of incouraging and establishing the salmon fishery, which has of late years been begun there, and which we find does daily increase. Her late Majesty did grant a Commission to Capt. Taverner, 21st July, 1713 *etc.* *Refer to* his surveys of about 130 leagues and reports "which are very distinct and have been of great use." *Continue*:—We have received several memorials from the merchants of London, and the outports in favour of him, and of his capacity of performing the said survey. He is now going thither, with a small sloop of his own, of about 50 tons, to erect a salmon fishery there *etc.* *Recommend* that he may be directed to complete said survey.

Annex proposals made by him, as conditions on which he is willing to undertake it, and an account of what the late survey of part of the island cost the Crown, that your Grace may be better able to judge how far his present proposals may be reasonable. [*C.O.* 195, 7. *pp.* 143–147.]

[March 30] **100.** Mr. Gee to Council of Trade and Plantations. In reply to queries of 3rd March, thinks that private merchants always outdo companies in management. Nothing but competition and liberty in trade could render commerce beneficial to the State, and all monopolies are inconceivably burthensome and pernicious to it *etc.* *Without date or signature.* *Endorsed,* Recd. 30th, Read 31st March, 1726. 2⅓ *pp.* [*C.O.* 388, 25. *S.* 46.]

March [ ] **101.** Mr. Shelton to Lord Trevor, Lord Privy Seal. Enters caveat that no grant may pass for any office, employment or lands until notice be first given to him as secretary to the Lords Proprietors of Carolina. *Signed,* R. Shelton. [*C.O.* 5, 290. *p.* 177.]

April 1. **102.** Robert Mann to Mr. Popple. *Recommends* his brother Edward, who has lived long in the West Indies and is now Receiver of the 4½ p.c. duty, for the Council of St. Christophers. *Signed,* Rob. Mann. *Endorsed,* Recd., Read 5th April, 1726. *Addressed.* 1 *p.* [*C.O.* 152, 15. *ff.* 244*v.*–245*v.*]

April 2. Whitehall. **103.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses following* for their compliance with what is desired *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. ——, Read 13th April, 1726. ¾ *p.* *Enclosed,*

103. i. Address of the House of Commons to the King, desiring that reports by the Board of Trade relating to the sale or value of the late French lands in St. Christophers may be laid before the House. 29th March, 1726. ½ *p.* [*C.O.* 152, 15. *ff.* 246, 247, 249*v.*]

[April 5.] **104.** Memorandum of the establishment of the two Independent Companies at Jamaica. £3,653 10*s.* per annum. *Endorsed,* Recd. (from Mr. Stevenson) 5th April, Read 7th Sept., 1726. ½ *p.* [*C.O.* 137, 16. *ff.* 268, 269*v.*]

April 5. H.M. Remembrancer's Office. **105.** Certificate that Dep. Governor Gordon has given the security required. *Signed,* Benja. Marriott. *Endorsed,* Recd. 5th, Read 6th April, 1726. ½ *p.* [*C.O.* 5, 1266. *ff.* 204, 205*v.*]

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St. James's.

106. H.M. Warrant to the Attorney or Solicitor General to prepare a bill appointing John Cornelius to his place of Clerk of the Naval Office, Barbados, without the former clause obliging him to residence there. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 165, 166.]

[April 11.]

107. Governor the Duke of Portland to the Council of Trade and Plantations. Having in my former letters *etc.* given your Lordships so full an account of the difficulties and discouragements I then lay under, and of the jealousies, discontents, and oppositions, I had to struggle with, it will be the less surprising to find by the account I am now to give, how impossible it has been for me to obtain a compliance with H.M. last Instruction. There was some hope when I writ in January last, that upon what I had then recommended, the Assembly would recede from their then demand of the perpetuity bill, a good many of their Members, whatsoever their behaviour might be within doors, yet without doors expres't a good deal of readiness to comply for one year further with an annual provission. The assurances in their address to me of 15th Jan., that they would keep at the utmost distance whatsoever might be supposed to put me under any painfull difficultie, could not be understood in any other sense, and had there been any sincerity in those assurances, or had I had any influences in my power to hold them to their duties, their promises must have produced the desir'd effect. Your Lordships will see by my answer to that Address, that there was nothing wanting in me to put them in mind of, and presse them to conforme to H.M. sentiments; but as they had then already read their perpetuity bill twice, so whilst I was (vainly as it proved) expecting a Quorum of Council to consult about what was proper to be done, the Assembly in a hurry, as if it were to put a barr in the way of any thing that might be proposed, read the perpetuity bill a third time, and in return to what I had said to them in my answer to their Address, resolved upon an Address of thanks, intending therein to give the reasons which had induced them to proceed in the manner they had done. I expected that if they had gone about that task of finding good reasons, it would prove so difficult a matter for them, or to assigne any tolerable ones why they might not, or indeed ought not to rely upon H.M. gracious disposition and in duty to him have fallen into another annual provision, as would have made them ashamed of their non-compliance, or at least, in case they had offer'd to give any upon that question, that it would have been so easy a matter to expose the fallacy, idleness, or undutyfulness of it, as might have influenced the disintrested among them, to fall into more respectfull measures, if not in that Session at least in another. But upon the meeting of a Quorum of the Council, which I must observe was then too long delay'd, they so readily approv'd and assented to pass that bill, as could not but confirm the Assembly's opinion of their haveing done mighty well in preferring the perpetuity bill to an annual one, which made the Gentlemen of the Assembly think an Address of thanks or any reasons in their justification needless, altho' resolved before. And as if they intended to cramm their bill down my throat in opposition to H.M., and in a manner as if they had a mind to declare warr with me, your Lordships, and the whole Ministry; they of their own single authority took upon them to nominate and constitute an Agent, not only providing a salary for him, but ordering the payment of all charges he should be at in sollicite-ing such affairs in England, as by a Comittee of theirs should be recommended to him, and a motion being thereupon made for addressing the Lords, and Commons of Great Britain, with a remonstrance of their grievances by the want of laws, and by the rejecting those they had passed, it was not without some difficulty that the debate thereof was adjourn'd. The extravagance of these proceedings will best appear by their own Minutes, particularly those of 28th Jan. *etc.* Upon my consulting with the Council on this conjuncture, and particularly in relation to the perpetuity bill, and laying before them H.M. Instructions, they then concurr'd almost as readily in advising me to reject the bill as they had been hasty before in passing it, and upon the whole it was thought fit to put an end to that Session, and to prorogue them to the first of February, in hopes that this refusal of their bill, together with the clamours of such as really suffer'd by the want of laws, might better incline them to fall into such a method as would be consistent with the instructions I had received. This my Lords is what pass'd in the Session when my last letters were writ, except two bills for the publick service, and security of the Island, viz. one for the relief of the inhabitants of Port Royal, and another for the encourageing of parties. When they met again on 1st Feb., after I had recommended to them what was proper, wherein I had carefully avoided saying anything that might enflame them, they immediately fell into the same resolutions in respect to their Agent, *etc.* They appointed a Comittee also to consider all their past proceedings, and the state of the Island, in relation to the laws, and support of the Government, the view and intent of which enquiry, as I had reason to believe, was in order to frame some remonstrance, if not libell, or invective, against the Government, both here, and at Home, more especially against Instructions. They for this purpose desired a recess which they meant should be by adjournment, that their Comittee might have the more leisure to colour a complaint, but as their message only express'd a recess, I gave it them by a prorogation for a fortnight, which for that time prevented the expression of their fury *etc.* It

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was not out of any confidence in my ability, as if I could by any words or actions of mine reforme them, that made me continue this Assembly and not try another, that expedient was thought of, and very well considered, but besides the little likelyhood there was of getting a better in their stead, and the certainty there was that the greatest part of the new ones to be chosen, if not the very same men, yet would come under the very same influences, and those aggravated by the heat usual upon dissolutions, and besides the doubts that would arise about the legality of such an Assembly, of which some intimation is given in H.M. Instruction of 30th July, 1724, it seemed so hazardous a thing to call the lower sort of people together in the manner usual at Elections, whilst there were no laws in being to curb or restrain the heats and insolencies that generally may, and at this time might with so much more reason have been apprehended from such meetings, as could promise no good event, and might be attended with such a one as no body could undertake to answer for. The civil Magistrates who generally are remiss enough in their duties, have (at least a good many of them) since the expiration of the laws, been scrupulous of exerting their authorities even in common breaches of the Peace. The Militia Act being expired no man deemed himself compellable to serve by that Act, and some had already begun to refuse all manner of duty. As to the Independant Companies, they for want of their pay, were upon the very point of mutiny, tho' I had, to prevent it, supported them constantly as usual out of my own pocket, but as they suspected I ought to indemnifie myself out of their English pay, that method was not satisfactory. I was compel'd not only to draw very considerably out of my own estate at Home, but even met with very great difficulties in that, thro' the extream scarcity of money that circulated here, and the general unwillingness of people under those circumstances to part with ready money on any terms, as not knowing what event the times might produce; so that as the soldiers could not but think their pay uncertain, the dependance to be had on their assistance to the Government was equally doubtfull. Nor indeed is their number or strength at best sufficient for the Government to depend upon, in case any general or considerable disturbance should happen. Much less then could I expect to support authority in any such case, when destitute of all assistance civil and military. Not to mention the destitute extremities I was drove to, with respect to myself and family, by having been under a necessity out of my private purse to supply the more pressing exigencies of the Government, which then I found were grown so many, and so big, as made it impracticable for me to continue any longer. In such a scituation of affairs, as I believe your Lordships will judge it would have been very imprudent to have dissolved the Assembly,

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so I could not see what better could be done than to give them by such short prorogations so many opportunities of reflecting upon, and considering the common distresses of the country, and what their duty to H.M. requir'd them to do in such a conjuncture. It was the season of the year that traders and the London ships most resort hither with their cargo's. Great quantities of all kinds of merchandizes had since the expiration of the laws been imported, and sold and no means open to compel payment, so that not only the resident traders here, but the merchants at home, were in hazard of looseing to a very great value, and the Island its self of sinking into the utmost discredit, besides the loss to H.M. revenue. A good many people seemed to be so affected with these considerations, that I could not but hope the Assembly themselves in time might be so affected as to depart from their former obstinacie. Or that possibly some advices might come from home to direct me more fully what to do in so criticall a time as this. Which last hope seemed, by the necessitie of H.M. stay abroad, to be very distant. As your Lordships must be sensible, there are no means of compelling these peoples behaviour, either by the awe of any force in my power to threaten them with, or to influence their hopes, or fears, by anything I could either give, or take away from any of them, and that there was nothing left for me but to endeavour, by representing to them their duty, and common interests, to persuade them to a better temper, so I hope your Lordships will be satisfied there hath been nothing wanting in me, that I could say, or urge, to bring them to such a temper as might have deserved H.M. approbation. Upon their meeting again on the 15th of February, which was their last meeting, it was believed, that what I then said to them, together with the real pressures and uneasinesses of the people, would have made some impression upon them. They on that day forebore any thing indecent, resolved upon an Address of thanks to my speech, and that they would take it into consideration on the 17th. But as they, on the very next day, vizt. the 16th, in a manner very unparliamentary, scarcely to be believed or accounted for, in contradiction to that resolution of the 15th prejudged, and prevented, all good effects that might have arisen from the intended consideration of the Speech, by resolving upon, and bringing in a perpetuity bill again, it may behove me, however disagreeable a task it is, to give the best account I can of the views, dispositions, and motives that inclined them to such a procedure. There is a considerable part of that body, who being influenced by the people I have formerly complain'd of, and exalted by the successes of their friends by applications at Home, are resolved against any measures whatsoever that may tend to the ease of my Government; they had been the chief sticklers for the repeal of the additionall revenue bill (I transmitted to your

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Lordships) by a tack in a former session, looking upon to be what they think too considerable an advantage to the Government (and in my opinion it would be imprudent at any rate to give it up till a perpetual revenue be settled) but as they found the attempting that again, wherein they had fail'd, would not satisfie the Publick, so they thought nothing could more effectually delude and engage the people (hopeing they would not be found out, or that my instructions would stand in the way) than to resolve and insist never to give into a practice of being yearly tennants for their rights, and priviledges, but rather venture to sink, than to depart from any attempt to have them perpetual, not doubting but by this to confound matters, so as to make every thing desperate for me here. There are others also, of different views and interests, who being above any expectations from the Government here, and finding their accompt better in gratifying and deluding the populace with the specious notions of rights, liberties and priviledges, do affect, and have, among different parties of the People, obtained a sort of tribunitial authority which is dearer and of more accompt to them, than any sense of duty whatsoever. These sort of people lead the bulk of the rest, and they have inculcated the strongest prejudices, and jealousies against Instructions in general, where the least restriction appears, as if intended by degrees to introduce precedents, by which they may in time be deprived of all rights or liberties, and of these there was none that did not apprehend his interest and character of a patriot among the People would be ruined, should he propose such an annual provision as might be consistent with H.M. instructions. There is still another sort (I will not say how many) among each of the former, whose circumstances (as there is too much reason to believe) satt easier upon them without the exercise of Law, than under it; and it will not be incredible that some of those should preferr their own ease to the virtue of obedience, or of a just regard to H.M. or their Country. Out of all these as I have been credibly inform'd, a kind of Association or Con-juration was form'd, not to depart from the perpetuity bill, or not to pass an annual bill, without a repeal of the additional revenue bill, by which as I have said some flatter'd themselves, to have found out a sure way to see nothing but confusion during my Government, and others not to be press'd for their just debts. So that whatever influence the distresses of the Country, or a just sense of their duty, might really have upon disengaged free men, it seems their own engagements, their own private views, or circumstances, or their characters as patriots, prevail'd upon the majority to come to such a resolution, on the day before they should have considered my Speech, as made the consideration of it needless and insignificant. After they had pass'd the perpetuity bill, and the Council also had

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done the like, whereby the difficultie was for a second time thrown wholly upon myself, the Assembly presented me a long Address in favour of their bill, containing such extraordinary claims of right, and such uncommon kinds of reasoning or sophistry, as could hardly be calculated for any other purpose than to delude and captivate the meanest capacities. As it is not easy to give your Lordships a just notion of it in few words, I must also referr your Lordships to the inclosed copy, it was hard to judge what answer to give it, and scarcely prudent at that time to give it such a one as it deserved. I do assure your Lordships that I never have undergone more trouble and anxietie of mind, nor been so perplexed as in this juncture, and never at a greater loss to judge what my duty to H.M., and my own honour requir'd of me to resolve upon; whether I should transgress H.M. instructions more by assenting to, than by rejecting this bill, in such a scituation of affairs, was a question too nice, and too hard for me to determine with any satisfaction in my own mind, and it still gives me that perplexity that nothing but H.M. sentiments can free me from. As on the one hand H.M. last Instruction, giveing me leave to pass an annual bill, agreeable with what I had before received, implied a prohibition to the passing of any perpetuity bill, on any account whatsoever; and as the assenting to a bill of that nature, pressed upon me with such a contrariety, as well to H.M. instructions, as my own recommendations, might give too much encouragement to an obstinate People to slight, and trample upon the Government, so on the other the honour and dignity of H.M. Government, and the welfare of his subjects, not only here, but of many such at home who trade hither, and of those people perhaps more than the other, were at the utmost crisis. For as at this time most of the imports of the year, were already brought in, and the returns home expected, and that when the laws were open all traders hither have found it difficult enough to gett in their demands in any reasonable time, the inconveniences, difficulties, and prodigious losses they might have suffered, and have given a foundation for great clamour at home, loudly call'd for some immediate remedy and assistance; besides the Government here, in effect was destitute of all manner of power or support, the Treasury without one penny, nor in a way to get in any, the soldiers in actual mutiny, the People enflamed with discontents and jealousies (as too rashly and fully express'd in the Assemblies Address) and the condition of the Island, in case of any warr, or invasion, or of subduing the intestine rebellion of the slaves, defenceless. Altho' all these evils, had they happen'd might with justice be attributed to the obstinacie, and unreasonable tempers of the representative body of the Island, and could not with justice be imputed to H.M., yet if any considerable loss or calamitie had happen'd, much more the endangering the Island, I must confess it was very doubtfull to me, whether any thing contained in H.M. Instructions could have justified my carrying things to such an extremitie, and to deny them any longer the administration of Justice, according to the Municipal laws of the place; it being judged impracticable (or what at least would for a long time be ineffectual) to administer or introduce it according to the rules of the Common Law of England. I found the situation of affairs too perplex'd, too weighty and of too great consequence, to trust to my own opinion and judgment how to proceed at this time, and your Lordships will observe, if you are pleased to look in the Minutes of the Council books, how little assistance I had received, or had reason to expect from those Gentlemen. It is surprising in what manner they have avoided attending, or giving any opinion since the expiration of the laws, which has been near half a year; they took care tho' often press'd by me, to avoid making up a Quorum under several pretences, and even at such times when the Assembly was sitting, neglected attending, so as not only to put me under several difficulties, but also to put such a stop to business, so publickly as to be taken notice of by the Assembly; in short, their behaviour has been inexcusable, and intolerable. I only take notice of what do's appear in the minutes of the Council and Assembly, and in the journals, without any further observations *etc.* It is to be observed that on the 13th Sept., the day the Assembly was to meet, and also the same on 11th Jan. following, I was obliged, as to the first, to avoid opening the Sessions for that day, for want of a Quorum of Council, and on the last to lett the Assembly proceed to business without a Quorum; and whatever days appear in the books to be pass't over, has been for want of a sufficient number of Councellors to meet, and often (when just a number) broke up so hastily, as that no body could almost catch them sitting, so that the attendance there has been, or business done, as a Council in their legislative capacity, has been by repeated importunities of mine, or the constant care I have been obliged to take. And as to a Council of State, nothing had been done, if I had not watch'd all opportunities, and extorted from them to consider of affairs, so as to enable them to give some assistance or advice. I am sorry to say that there has been so few meetings of that kind, hardly any at all, but in the disposition they were in, impossible to be rectified. I must (to do everybody justice, particularly after what I have mentioned in my last) take notice, that Capt. Gregory ever since his return, has been the most diligent of all the Councellors, and that as far as yet appears, he is not come back the same man he was when he left this place. England has work'd a strange alteration, or reformation in him; the question is, and not easily answer'd, whether it will hold. As to the others I mentioned also then, they continue in the old way, particularly Mr. Laws who constantly do's all the harm he can, and is the contriver of opposition and confusion, and then is the first, and most active, to raile at it, in order to raise insuperable difficulties, as do's plainly appear by the singularity of his proceeding in Council, where he declar'd, that at any rate whatsoever (let the emergencies, the consequences be never so great, desperate, or destructive, without any regard to H.M. character or disposition) that Instructions ought litterally to be observed, when at the same time it is well known how active he had been to work up such a temper against complying with Instructions, (particularly such as they represent to infringe upon their rights and liberties) such a one I must say, as would surprise and astonish any man of common reason, or understanding; and when he found he had succeeded in that, then he thought it would be easie for him, in support of Instructions, to finish his premeditated scheme, and left nothing untry'd to bring matters beyond all possibility of redress; if his beginning had been answerable to his conclusion, then his behaviour would have deserved commendation, but as they differ'd so prodigiously, his intentions were so visible, that his best friends durst not appear with him, which made others suspect as if there might still be further matters of trouble in agitation, as yet undiscover'd; and the grounds for believeing this, was the uneasiness they could not help expressing upon the Prorogation, concerning the bills they had sent up, wishing amongst themselves they had them again, that they might have an opportunity to season them in a quite different manner. This My Lords in some measure deserves your attention to support what I may further say concerning this subject. As matters stood it would have been the greatest imprudence in me to have acted by myself, and taken upon me to be answerable alone, for all the evils one might easily expect and foresee, under these circumstances, with a furious Assembly, a distracted People, and an indolent, discontented, and divided Council. However My Lords I had none to advise with nor would it have been proper to have consulted any others than the Council, their opinions, in cases of the greatest difficulties, will be my best justification, and sure none could ever happen to be attended with more than this, when I may venture to affirm, the fate of this Island was at stake, and the interest of so many of H.M. subjects depended upon what was then to be determin'd, particularly when the Assembly had resolved not to pass, or to send any money bills till they knew the fate of their perpetuity bill then before me; so that with difficultie (having peremptorily summon'd all the absent Councellors to attend) I got a Quorum, and what then pass'd will fully and at large appear by what I send over, wherein your Lordships will find their unanimous, positive opinion was, (except Mr. Law's) that nothing could be done,

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but to give my assent to the perpetuity bill, and to set forth their reasons for such a positive advice in an humble Address to H.M. All which papers, to avoid giving your Lordships more trouble in this than is necessary, I must desire in a particular manner to referr your Lordships to; which will show that nothing but the desperate circumstances, everything, in all respects here, seem'd to be in, which if continued any longer, would certainly have been attended with incurable confusion and distraction, besides several other hazards too long to be repeated, or enumerated, could have prevail'd with me to countenance what appear'd to be against H.M. Instructions, so far as to give my assent to this perpetuity bill. Some doubt might be, and was made, whether in strictness this case came within the meaning of the repeated Instructions, because, they were upon a supposition that there was laws in being. But as now there was none, nor the least possibility to expect a renewal for a year, whether it was not to be constru'd as an extraordinary case, not comprehended or within the view of any particular instructions, but left by a general instruction to what should be judged proper to be consulted, and determin'd upon in Council. Whereby present difficulties might be removed, dangers prevented, H.M. Government taken care of, and yet left to H.M. determination. I have some satisfaction in this affair, that besides having neglected nothing in my power to procure a litteral conformity to H.M. Instructions, however by all imaginable care the bill seems to be consistent with H.M. intentions, for which the first promoters of opposition cant claim the least, or any thanks. It is free now, to their mortification, from the objections the former, as I could be informed of, was lyable to, there being nothing in this, which in the opinion of the Attorney and Sollicitor General of England, or indeed in any body's here, can give them the least colour of title to any law of England they had not before, it only intitules them to their own Municipal laws, and the words, which enact such laws as have been introduced and used, can mean no more then a permission to continue their former course of proceeding with respect to the administration of Justice. The reasons of its passing so, may be attributed to the endeavours of those who were in reality fond of the bill, and desir'ous to make it as acceptable as they could to H.M., and to the hopes and persuasions of others, of the necessity I was under of rejecting any perpetuity bill, however unexceptionable it might be made, which made them less attentive to the bill, or to the adding any thing in it concerning their darling rights or priviledges. And I verily believe, that had it been rejected, or should it meet with any disaprobation at Home, it will be next to an impossibility to bring them into any other so good and unexceptionable. As plainly did appear by many of their countenances, which rather bespoke a disappointment than any satisfaction, upon giving my assent to the bill. This agrees with what I have before desir'd your Lordships attention upon. The revenue given by it, is by experience found to exceed the estimate of the charges considerably, so that as it provides amply for the occasions of the Government, and that by my Instructions it seems to have been, what was intended particular care should be taken of; and at the same time enacts nothing in their favour, more than what they were indisputably entitled to before, so it was a question with me, and I did apprehend that the loss of such a bill might be imputed to me as a great indiscretion, and I cannot but hope that what I have done in passing it, will not only be excuseable, but may upon full consideration prove acceptable. As they, by their address, acknowledge H.M. power of rejecting the Bill, and do desire my passing it upon that motive, and also give some kind of assurances as if they would, in case H.M. should think it defective, supply the same hereafter, I do hope it will be some inducement in favour of the bill. But if it should be thought proper to reject this perpetuity bill, or instead of it any thing should be expected either in relation to the sending of their bills home as draughts, or the incertion of any clause to suspend their taking effect till the signification of H.M. pleasure, or any other scheme repugnant to the dispositions of this People, (which your Lordships are pretty well acquainted with) I beg it may at the same time be well considered how unable the Government here is, either to compell or engage. How little influence, or dependance a Governor can have, on the behaviour, or respects of a people whose humour, and interests, are more likely to be gratified by opposition, and popular applications, than by a due obedience to Government; and who imagine themselves more likely to obtain favour at home, by the former, than the latter; and in a word, whether it is likely that any such purposes as are aforementioned can be obtained, without putting them under some sufficient awe and force; without it, and H.M. full instructions, and powers, how and what Courts of Justice to erect, so as that H.M. hereditary and additional revenue may be collected towards the support of the Government, under such an exigence, it is not well possible to say how, or to expect it should be done. Your Lordships will see, by the necessary bills I now transmitt, what a general stand there was in all manner of business, and transactions, thro'out the whole Island, and will easily guess, at the confusion and distraction that must naturally attend such a general suspention. They have also pass'd another bill for my additionall salary, to have continuance during my Government here, and so far agreeable to my instructions on that head, but instead of a clause, not to have it take effect till H.M. pleasure was known, which by no means was to be obtain'd, they have incerted one

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which they say will answer the same purpose, that is, that it shall not be in force untill H.M. be pleased to signifie His assent to the perpetuity bill. I wish it could have been otherwise, but it was impracticable. Upon the whole every thing now again appears to be in a state of tranquility, all matters go on in their old channell, the generality of all those in the Island satisfied, the Government now amply supplied, supported, and provided for, without the least concession of anything new to the People, or of what they would not have been certainly intitul'd to for a year, the very day an annual bill had pass'd; besides, this has so disapointed the opposers to the Government, that it gives me some momentary ease and pleasure, tho' it can't anyways be lasting, till I am informed how my behaviour will be approved of at home, and by H.M.; but give me leave to say, that having the advice of the Council, I could not in oposition to it, with any prudence, according to my judgement (with these People, and under all the circumstances I have represented) have push'd things further, or have done more, and with sufficient reason may add, that were it to be undertaken again one might probably meet with a much worse success. There is yet another matter which I think it incumbent on me to mention, and desire your Lordships sentiments of, and that is in relation to the Dutch, French, and other ships, which of late come here more frequently than formerly; and that is represented, as I understand, as owing to some extraordinary countenance, or encouragement given to their coming. As the coming of so many of them here of late is manifestly occasioned by the greater strictness of the Spaniards than has heretofore been usual, in keeping them off of their coasts, by which means some of them, disabled by engagements with the Spanish cruisers, and others for the want of wood, water, or other necessaries, have been obliged to resort hither for supplying their wants; and as it seems inconsistent with H.M. treaties, and the Law of Nations, to deny them that access or relief their necessities require; so I think the caution used in this respect, has on my part, been as great as was in my power to make use of. Not only, by absolutely refusing to have any manner of dealing with 'em my self, but as I never gave the least liberty to any of them but by warrant to the proper officers, requiring their especial care to prevent any unlawfull commerce whatsoever, nor allowed any of them a liberty of selling any goods whatsoever, otherwise than by the Naval Officer, or to any greater value than he should see necessary, to pay for what they realy wanted, which liberty very few of them have had, or even desired, they being mostly provided with ready money. And when the frequencie of their access gave room to suspect their necessities might be only pretended, I required of them (and that before the late Act for preventing clandestine trade, which was pass'd by my encouragement, and which I now transmitt) not only to make oath of the truth of the necessitie alledged, and of their having no intention to trade, but also that they neither would sell, or permit any part of their ladings to be sold, contracted for, or deliver'd, to any of the inhabitants of this Island. This I hope will free me from any misrepresentation concerning this matter. I should have thought it needless to trouble your Lordships with any thing upon this head in vindication of my self, had I not some reason to believe, that not only all my care has proved insufficient to prevent the running of some such goods, at outward bays or creeks, where no Officers are to prevent it, but that some of those who are most forward in the clamour, and misrepresentation of this matter, or most zealous in promoting it, are the chief, if not the only, aggressors, thereby at once gratifying their own avarice, and their hopes of makeing my Government uneasy. If your Lordships can think of any method more proper to be taken, than has already been, for preventing such injuries for the future, your adviseing of it will be very acceptable *etc.* *Signed*, Portland. *Endorsed*, Recd. 21st, Read 26th July, 1726. 18 *large pp.* *Without date, but see* 1st June. *A duplicate received on* 10*th Aug, sent to the Council Office, was dated* 11*th April.* *Enclosed*,

107. i. H.E.'s Speech to the Council and Assembly, 11th Jan., Address of the Assembly in reply, and H.E.'s Answer, 18th Jan., 1726. 4 *pp.*

107. ii. H.E.'s Speech to the Council and Assembly, on proroguing the Assembly, 29th Jan., and opening the Sessions 1st Feb., with their request for a recess and H.E.'s reply, 2nd Feb., 1726. 3 *pp.*

107. iii. H.E.'s Speech to the Council and Assembly, 15th Feb., with Address of the Assembly in reply, 25th Feb., with H.E.'s reply. 8½ *pp.*

107. iv. Address of the Council of Jamaica to the King. 8th March, 1725(6). Excuse themselves for having been obliged to depart from H.M. Instructions and to pass the perpetual revenue bill upon which the Assembly insisted. 1 *p.*

107. v. H.E.'s Speech to the Assembly, at their prorogation, 9th March. 1 *p.* *Nos.* i–v. *endorsed*, Recd. 21st July, 1726. [*C.O.* 137, 16. *ff.* 223–231*v.*, 232*v.*–241*v.*, 244*v.*]

April 11
Jamaica,
Spanish
Town.

108. Governor the Duke of Portland to the Duke of Newcastle. *Repeats* preceding covering letter. *Signed*, Portland. 19 *pp.* *Enclosed*,

108. i–vi. Duplicates of Encl. i–v preceding. [*C.O.* 137, 52. *ff.* 220–229, 230–239, 244*v.*, 245 ; *and* (*duplicate of covering letter*) 264–271.]

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[April 11.] **109.** Extracts from Minutes of Council and Assembly of Jamaica, Jan. 12th—8th March, 1726, of proceedings referred to in preceding letter. *Endorsed*, Recd. (from Mr. Stevenson), Read 27th July, 1726. 17 *pp.* [*C.O.* 137, 16. *ff.* 245–253, 254*v.*]

April 13. **110.** William Willys to [*Mr. Delafaye*]. I had the honr. lately to mention to you, that Generall Sibourg, understanding that the merchants trading to Nevis, were desirous that the Lt. Governor should constantly reside in the iland, had beg'd the favr. of you to intercede with His Grace the Duke of Newcastle that Captain William Strang might be nominated to succeed him, who will be recommended by my Lord Scarbrough *etc. Will obtain* a petition of the merchants, if necessary. *Signed*, Wm. Willys. 1 *p.* [*C.O.* 184, 1. *No.* 35.]

April 14.
Barbados.
111. Governor Worsley to the Duke of Newcastle. This is the first oppertunity that has offered of writing to your Grace by a London ship, since I received the honour of your Grace's letter of 24th Oct., in relation to Mr. Wood's patent for coining of half pence, pence, and two pences. Mr. Young, who brought me the letter, told me, he knew nothing in relation to it; I hear there are two, if not more persons, who have bought a quantity of this coin, one of them who had sent a deputation of Mr. Wood's, to Mr. Wadeson the Deputy Postmaster here, for the value of about £400 sterling, proposed to the said Deputy, that he should put them off at pences, two pences and three pences, at which rate, Mr. Wadeson tells me, he could not put them off; but tells me, at farthings, half pence and pence, he believes they will readily go. Your Grace may be assured that I, as well as all others of H.M. Officers here, who it may concern, will be aiding and assisting Mr. Wood, or his agents, in the due execution of Mr. Wood's patent, and in the legal exercise of the several powers and enjoyment of the priveledges and advantages thereby granted to him. *Signed*, Hen. Worsley. *Endorsed*, R. June 27. 2 *pp.* [*C.O.* 28, 44. *No.* 100].

April 15.
Whitehall.
112. Council of Trade and Plantations to the King. In pursuance of Order in Council, 11th March, enclose draught of Instructions for Springet and Hannah Penn relating to Acts of Trade, " to the like effect as has been given to all other Proprietors " *etc. Annexed*,

112. i. Instructions referred to in preceding. [*C.O.* 5, 1293. *pp.* 362–397.]

April 18.
St. James's.
113. Order of King in Council. Approving the appointment of Major Gordon as Deputy Governor of Pennsylvania without limitation of time, and of the three lower counties during only

1726.

H.M. will and pleasure, the conditions required, 11th March, having been fulfilled. *Signed*, Robert Hales. *Endorsed*, Recd. 25th May, Read 7th June, 1726. 1½ *pp*. [*C.O.* 5, 1266. *ff.* 211, 211*v*., 212*v*.]

April 18. St. James's. **114.** Order of King in Council. Approving Instructions relating to Acts of Trade and Navigation, for Springett and Hannah Penn, Proprietors of Pennsylvania, *etc. Signed and endorsed as preceding.* 1 *p*. [*C.O.* 5, 1266. *ff.* 213, 214*v*.]

April 18. St. James's. **115.** Order of King in Council. Approving Representation of 30th March, and appointing George Lucas Councillor of Antegoa *etc. Signed*, Robert Hales. *Endorsed*, Recd. 25th May, Read 7th June, 1726. 1 *p*. [*C.O.* 152, 15. *ff.* 252, 253*v*.]

April 18. St. James's. **116.** Two Orders of King in Council. Continuing Jeremiah Brown in possession of his plantation in the late French part of St. Kitts *etc.* (*v.* 3rd March, 1725). Governor Hart to be instructed accordingly. *Set out*, A. P. C. III. *No.* 78. *Signed and endorsed as preceding. The whole*, 3¼ *pp*. [*C.O.* 152, 15. *ff.* 254–256, 257*v*.]

April 18. St. James's. **117.** Order of King in Council. Approving Representation of 17th March, and appointing Archibald Kennedy to the Council of New York. *Signed and endorsed as preceding.* 1 *p*. [*C.O.* 5, 1054. *ff.* 8, 9*v*.]

April 20. Whitehall. **118.** Mr. Popple to Mr. Scrope. Encloses draft of Revenue bill for Jamaica with Representation (4th May) for observations or amendments by the Lords Commrs. of the Treasury. [*C.O.* 138, 17. *pp.* 59, 60.]

April 20. Virga. **119.** Lt. Governor Drysdale to the Council of Trade and Plantations. *Has had* no commands from the Board since his last of Nov. 17. *Reserves* his narrative of affairs till after the next session of Assembly to be held 12th May. *Encloses* for the consideration of the Board the case between the King and the Proprietors of the Northern Neck, touching certain fines and forfeitures claimed by them within that territory, as granted them by enclosed letters patents. *Continues*:—This dispute was begun in my predecessor's time, and left undetermined: and tho' some attempts have been made since to end the controversy by the decision of the Genll. Court, yet as the learning and construction of the King's grants, is a new and untrodden path to the judges in these parts of the world, I am the rather desirous to have the opinion of those who are more conversant in the law; which may either serve to end the dispute without further suit, or to direct the judgement, in case there bee a necessity to bring this matter to a tryall.

I doubt not your Ldspps. will judge this a matter of that consequence to the King's service, that you will require a very full and particular opinion of those Councell that are employ'd in itt; and I must also add that it is very necessary that such opinion bee transmitted hither as soon as may bee, because there are many fines and forfeitures which have arisen in that tract for some years past yet remaining unpaid, and must continue so untill it be determined to whom they belong. There is one point more depending on this controversy, wherein I begg your Ldspps'. assistance in the resolving itt, that is, how far the Govr. of Virga. may excercise the autority given him by H.M. in pardoning offences and remitting of forfeitures arising in that Northern Neck: For as it would be hard to suppose the inhabitants of that tract, to bee excluded from an equall share of H.M. mercy with the rest of the Colony, it will be no less disagreeable to the people there, to find themselves under the hard circumstance of being sure to suffer the penalties of the law, from persons who farm the profitts of that tract: and they paying annually large sums, have noe inclinations to forgive or grant any favour, whatever circumstances either of compassion or meritt may appear in their case *etc.* *Asks for* speedy directions relating to the lands in Brunswick and Spotsilvania, "because, while matters continue in suspence, the settlemt. of the frontiers goes on but slowly, and the King loses his rents of very large tracts already granted." *Refers to* enclosed account of revenue (*No.* i), "that your Ldspps. may observe the sufficiency of that fund, notwithstanding the small crop of tobacco last year." *Concludes*:—I hope that summe will be largely increased by this years export, and the promising prospect of the present cropp, which has hitherto been favoured with ye finest season that could have been wished. Tho' I am accused of fallaciousness att your Ldspps. board, I protest there is no fallacy in what I am now going to report; which is that the Colony of Virga. is at present in a very flourishing condition, and a generall harmony reigns in all parts of the Goverment *etc.* *Signed*, Hugh Drysdale. *Endorsed*, Recd. 27th, Read 28th June, 1726. *Holograph.* 6 *pp.* *Enclosed*,

119. i. Account of H.M. revenue of 2*s*. p. hhd. 25th April—25th Oct., 1725. *Totals*:—Receipts, (including £3167 17s. 3½*d*. balance brought forward) £4965 6*s*. 4¾*d*. *Expenditure*, £1748 4*s*. 10¾*d*. *Signed* and sworn to in Council, John Grymes, Recr. Genll. *Audited by*, Nathl. Harrison. *Same endorsement.* 2 *pp.*

119. ii, iii. Charters of James II and Charles II to the Proprietors of Northern Neck. *Endorsed*, Recd. 27th June, 1726. *Copies.* 3 *pp. and* 6¼ *pp.*

119. iv. Statement of case between Crown and Proprietors of Northern Neck, with questions arising therefrom;

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viz. :—(i) What shall pass by the grant of felons' goods in the Letters Patents of James II, and whether the goods of a felo de se shall not pass thereby? (ii) Whether fines imposed by the King's Courts upon persons residing within the sd. territory, for contempts or otherwise, shall not pass by the sd. Letters Patents, and what fines shall pass thereby? (iii) What shall pass by the word forfeitures in the said Letters Patents? *Endorsed as preceding.* 2½ *pp.* [*C.O.* 5, 1320. *ff.* 11–14*v.*, 15*v.*, 16*v.*–17*v.*, 18*v.*–26*v.*]

April 20. Bermuda. **120.** Lt. Governor Hope to the Duke of Newcastle. *Encloses* following. *Repeats* request for appointment of Capt. Butterfield to succeed Captn. Samuel Rayner decd. and asks that Robert Dinwiddie, appointed Collector of Customs, may succeed to Capt. Thomas Parsons "bound off from hence to London never to return." *Signed,* John Hope. *Endorsed,* R. Sept. 23. *Duplicate.* 1 *p.* *Enclosed,*

120. i. List of persons fit to supply vacancies in the Council of Bermuda. *Same as* 30th Sept., 1725. *Signed and endorsed as preceding.* ½ *p.* [*C.O.* 37, 28. *Nos.* 35, 35. i.]

April 20. Bermuda. **121.** Lt. Governor Hope to the Council of Trade and Plantations. Duplicate of preceding letter. *Signed,* John Hope. *Endorsed,* Recd. 16th Sept., Read 22 Nov., 1726. Duplicate, original not received. *Holograph.* 1 *p.* *Enclosed,*

121. i. Duplicate of No. 120. i. ½ *p.* [*C.O.* 37, 11. *ff.* 261, 262, 262*v.*]

April 20. St. James's. **122.** List of papers (1717) laid before the House of Commons, relating to lands in the late French part of St. Kitts, in pursuance of their resolution and address, 29th March. [*C.O.* 153, 14. *p.* 209.]

April 21. Whitehall. **123.** Council of Trade and Plantations to the King. Recommend Edward Man, H.M. Casual Receiver and Receiver of the 4½ p.c., for the Council of St. Kitts in place of Ste. Duport decd. [*C.O.* 153, 14. *p.* 210.]

April 25. St. James's. **124.** H.M. Warrant appointing Archibald Kennedy to the Council of New York, in the room of Thomas Byerly, decd. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *p.* 167.]

April 25. St. James's. **125.** H.M. Warrant appointing George Lucas to the Council of Antegoa, in the room of John Hamilton, decd. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *p.* 167.]

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Barbados.

126. Governor Worsley to the Duke of Newcastle. *Encloses* Acts (i) *for erecting magazines at St. Anne's Castle, and building a town-hall and goal in the town of St. Michael*; (ii) *appointing agents for this island in Great Britain*; *and* (iii) *for the payment of money due from the publick to the Hon. William Downes Esq.*, and Journals of Council, 31st Aug. 1725—15th Feb. 1726; of the Court of Chancery, 1st Sept.—22nd March; of Assembly, 18th Jan.—12th April; and of the Court of Escheats, 8th Oct.–15th Jan. *etc. Refers to other enclosures, v. infra. Signed,* Henry Worsley. *Endorsed,* R. June 27. 3 *pp.* [*C.O.* 28, 44. *No.* 101.]

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127. *Same* to *Same*. *Encloses* examination *etc.* in relation to Messrs. Hales and Hodges petition, in pursuance of order, 20th July last, received by Mr. Young 21st Dec. last *etc. Continues* :—Being very much indisposed and continuing so for some time, I was not able to take it till the 12th of February. It has swelled to a far greater bulk than I possibly thought it could *etc.* In relation to Mr. Sutton's true and impartial narrative, besides what I examined on oath; I have enclosed authentick copys of some letters that passed just at the time when Mr. Sutton gave me the said narrative. Your Grace will observe at the beginning of the second day's examination, 14th Feb., a letter from Mr. Wooding to Mr. Young, sworn to before me by the said Wooding, it sets forth that Mr. Sutton would have suborned him to swear, that he had heard Mr. Young say that he had given me a thousand pounds, (which Mr. Sutton owed Mr. Young) to refuse Mr. Sutton an injunction, in order to get his estate, and that if he would do it, he would send it home, to some Clergyman that is great at Court, and my Lord somebody, and to Collo. Bladen, and that he did not doubt doing my business at home, and have me broke upon it. The letter is really worth your Grace's perusal, by which your Grace will see, what sort of people I have to govern, and who I have in the Council; Your Grace will further observe the examination of Geraughty, how Mr. Sutton had him imprison'd, how he joyntly with Mr. Sedgwick, another justice of ye peace, brought him out of prison to a tavern, and would have had him sign a deposition, which Mr. Sedgwick was to have drawn up, which Geraughty refusing to do, and desiring to be sworn, and that then he would tell the truth, Mr. Sutton, and the other justice, remanded him back to prison, and Mr. Sutton ordered him to be put in irons. Your Grace may easily imagine, that with such a Counsellor, no Gentleman in my position can be easy, or any regularity be supported in Government, with such Justices of the Peace; whether these two cases are included within the order of their Excellencies the Lords Justices, I shall not dispute; But as these facts were sworn to before me in the course of the examination, which I am to transmit to the King in Council, for H.M. further pleasure thereon, I shall not determine anything against these Gentlemen, however I may judge it for the good of H.M. subjects in this Government least it might be construed in disobedience to their Excellencies commands, for which, I have the greatest deference and veneration, but most humbly wait H.M. pleasure. I am informed Mr. Sutton has made several complaints against me, I don't know, nor can imagine, of what nature they are ; Mr. Bladen is the person he pretends to correspond with. If any complaint has been laid before your Grace, I must beg your Grace not to give any credit to it till I have the honour to send you my answer. Your Grace will be so good as to pardon me if I seem desirous of having H.M. pleasure, in relation to this examination as soon as possible, because I am sure it will contribute very much to the peace and quiet of this Governmt. Mr. Sutton has lately desired a copy of the examination, which I have not granted him, in that I think I can't justify the giving a copy of what I am to transmit to H.M. in Council. I took the examination in the most publick and solemn manner. I allowed Mr. Sutton three Counsellors and two Attorneys at Law, to assist him in cross-examining Messrs. Hales and Hodges' evidences, and afterwards I examined upon oath, if not as many as Mr. Sutton summon'd, yet as many as he desired might be examined, for when I asked him, if he had any more to be examin'd, he told me he had no more *etc.* *Refers to enclosures. Signed,* Henry Worsley. *Endorsed,* Rd. June 27. 6 *pp. Enclosed,*

127. i–iii. Inquisitions and proceedings of the Court of Escheat, Barbados, 8th Oct., 1725—15th Jan. 1726. *Signed,* Tho. Warren, Escheat. *The whole,* 7 *pp.*

127. iv. List of Baptisms and Burials in the parishes of Barbados, 19th Jan., 1723–1726. *Totals, Baptisms* :—Males, 770, Females, 873. *Burials* :—Males, 837, Females, 597. 1 *double p.*

127. v. Mr. Sutton to Wm. Webster. April 19, 1726. Begs him to acquaint H. E. that he has not had a copy of the examination of evidences, which he has a right to *etc.* *Signed,* Edmund Sutton. *Copy.* 1 *p.*

127. vi. Mr. Webster to Mr. Sutton. April 28, 1726. H. E. cannot justify the giving a copy of what he is commanded to transmit to H. M. in Council. *Signed,* Wm. Webster, D. Seery. *Copy.* 1 *p.*

127. vii. A true and impartial narrative of some discourse between Richard Lightfoot and *Edmund Sutton,* 27th May—5th June. *Correspondence etc. v. covering letter. Copy.* 4 *pp.*

127. viii. List of fees of Masters in Chancery, Barbados. *Signed,* p. John Lenoir, Wm. Webster in Canc. Magr. 1 *p.*

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127. ix. List of fees in the Remembrancer's Office, Court of Exchequer, Barbados. 7th May, 1726. *Signed*, p. N. Hope, Dep. Remembrancer. 2¼ *pp.*

127. x. List of fees of the Clerk of the Market. *Signed*, Alex. Burnett, Cler. Mark. 1 *p.*

127. xi. List of fees of the Searcher of Customs at Speights. *Signed*, J. Manley, Searcher. ½ *p.*

127. xii. List of fees in the Searcher's Office, Bridgetown. *Signed*, G. Maxwell, Searcher. ¾ *p.*

127. xiii. List of fees received by the Comptroller of the Customs, Barbados. 8th March, 1725(6). *Signed*, Sam. Wadeson, Depy. Controllr. ¾ *p.*

127. xiv. List of fees received by the Collector of Customs, Barbados. 11th March, 1725(6). *Signed*, Hen. Lascelles, Coll. ¾ *p.*

127. xv. List of fees in the Treasury Office, Barbados. *Signed*, George Paxton, Trear. ⅓rd *p.*

127. xvi. List of fees taken in the Custom house at Oistins. *Signed*, J. Carmichael. ½ *p.*

127. xvii. List of fees at the Custom house at Speights. *Signed*, Edward Denny, Collr. ⅓rd *p.*

127. xviii. List of fees in the Clerks' Office of the Courts of Common Pleas, Barbados. 6th May, 1726. *Signed*, Benja. Sullavant, Cl. Cur. 1⅓ *large pp.*

127. xix. List of the fees of the Clerk of the Crown and Peace, Barbados. *Signed*, Cha. Browne, Dep. Cl. Cor. 1 *p.*

127. xx. List of fees of the Register, Clerk and Examiner of the Court of Chancery, Barbados. 1 *large p.*

127. xxi. List of fees of the Customhouse at The Hole, Barbados. 10th March, 1726. *Signed*, A. Upton. ½ *p.*

127. xxii. List of fees of the Register's Court of Admiralty, Barbados. *Signed*, p. Robt. Warren, Reg. Cur. Adm. 1 *p.*

127. xxiii. List of fees in the Naval Office, Barbados, 25th April, 1726. *Signed*, E. Chearnly, D. Naval Officer. ½ *p.*

127. xxiv. List of fees of the Marshal of the Court of Common Pleas, Barbados. 6th May, 1726. *Signed*, Wm. Forbes, Oliver Kennedy, Dy. Pro. Marll. Gen. 1¾ *pp.*

127. xxv. List of fees of the Marshal of the Court of Exchequer and Admiralty Court, Barbados. *Signed as preceding.* 1 *p.*

127. xxvi. List of fees of the Serjeant-at-Arms, Barbados. *Signed as preceding.* 1 *p.*

127. xxvii. List of fees of the Secretary's Office, Barbados. *Signed*, Wm. Webster, D. Secry. 2¾ *pp.*

127. xxviii. Duplicate of preceding.

1726.

127. xxix. List of fees of the Escheator, Barbados. *Signed*, p. Thos. Warren, Escheator. ½ *p.* [*C.O.* 28, 44. *Nos.* 102, 102. i–xxix; *and* (*duplicates of Nos.* i, ii, ix–xviii, xxi, xxiii–xxvi, xxix) 28, 39. *Nos.* 22–34.]

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128. Governor Worsley to the Council of Trade and Plantations. Duplicate of No. 126. *Signed*, Henry Worsley. *Endorsed*, Recd. 27th, Read 30th June, 1726. 3 *pp.* *Enclosed*,

128. i–iii. Duplicates of Nos. 127. i–iii. *Same endorsement.*

128. iv. List of cases at Court of Grand Sessions, Barbados, 14–17 Dec., 1725. *Same endorsement.* 1 *p.*

128. v. List of fines at same (£167. 15*s.*). *Same endorsement.* 1 *p.*

128. vi–xxvii. Duplicates of *Nos.* 127 iv, viii–xxvii, xxix. *The whole endorsed as covering letter.*

128. xxviii. Treasurer's Accounts 8th Aug. 1723–1724. Settled by Committee of Publick accounts. *Receipts*:—£19,747 10*s.* 4¼*d.* *Expenditure*:—£19,688 7*s.* 8*d.* *Signed*, George Plaxton, Trear. 8 *large pp.*

128. xxix. Treasurer's accounts, 8th Aug., 1724–5. Settled by the Committee of Accounts. *Total*, *Receipts*, £17,753 2*s.* 6¾*d.* (including balance brought forward £59 2*s.* 8¼*d.*); *Expenditure*, £17,822 14*s.* 10¾*d.* *Signed*, George Plaxton, Trear. *Endorsed as preceding.* 10 *large pp.* [*C.O.* 28, 18. *ff.* 256–260, 261*v.*–263, 264*v.*, 265*v.*–267*v.*, 268*v.*–272, 273*v.*–278, 279–282, 283*v.*–289*v.*, 290*v.*, 291*v.*–292*v.*, 293*v.*–297, 298*v.*, 299*v.*–304*v.*]

April 27.

129. *Enclosed in preceding covering letter.*

129. i. Proceedings of Court of Escheats, Barbados, Oct, 8–Dec. 11th, 1725. 4 *pp.*

129. ii. Proceedings of Court of Chancery, Sept. 1st, 1725—March 22nd, 1726. 22 *pp.* [*C.O.* 33, 27. *Nos.* 5, 6.]

April 27.
Whitehall.

130. Duke of Newcastle to Governor Hart. In pursuance of Orders of Council, April 18, *q.v.*, gives instructions that Jeremiah Brown is to be continued in quiet possession of the 80 acres in St. Kitts, till H.M. further pleasure *etc.* *Signed*, Holles Newcastle. *Annexed*,

130. i. Two orders in Council, 18th April, 1726, *q.v.* [*C.O.* 324, 35. *pp.* 169–177.]

April 28.
Pilgrims.

131. (*a*) Affidavit by William Webster, Depty. Secretary of Barbados, that the following examinations were taken down word for word by himself in short hand, and his two Clerks in writing *etc.* 1 *p.*

1726.

(*b*) Witnesses submitted by Capt. Joseph Young and Edmund Sutton, and their examinations before the Governor 12th Feb. 1726, in pursuance of Order in Council 20th July, 1725, upon the petition of Robert Hales and Thomas Hodges jr. against Mr. Sutton, with depositions, orders and decrees *etc.* relating thereto, and the will of John Hallett *etc.* [*C.O.* 28, 43. *pp.* 263–454.]

[April 28.] **132.** Col. Spotswood to the Council of Trade and Plantations. *Prays that* Lt. Governor Drysdale may be instructed not to proceed upon any of the points, with respect to the Brunswick and Spotsylvania grants, upon which Mr. Attorney and Solicitor General recently reported, *etc.* (*v.* 20th Jan.). That report left several points to be wholly determined by H.M. pleasure, and memorialist is making application for such determination *etc.* *Endorsed,* Recd., Read 28th April, 1726. 1¼ *pp.* [*C.O.* 5, 1320. *ff.* 3, 3*v.*, 4*v.*]

April 28. Whitehall. **133.** Mr. Popple to Mr. Burchett. Encloses copies of papers received from Lt. Governor Dummer relating to the authority of the Admiralty Court in N. England, for the information of the Lords Commissioners of the Admiralty. [*C.O.* 5, 915. *p.* 453.]

April 28. New York. **134.** Governor Burnet to Mr. Popple. I have nothing worth troubling the Lords with, but I send you the printed votes of the Assembly by which you will see that we have begun in pretty good humour, they could not be brought to continue the revenue for five years, so that I was obliged to agree to take it for three, which they have resolved. I enclose the Muster-rolls to Mr. Mitchel and some other packets which I hope you will have the goodnesse to send as directed *etc.* *Signed,* W. Burnet. *Endorsed,* Recd. 10th, Read 23rd, June 1726. *Holograph.* 1 *p.* *Enclosed,*

134. i. Journal of Assembly of New York 5th–21st April, 1726. *Printed.* 10 *pp.* [*C.O.* 5, 1054. *ff.* 22, 23*v.*–28*v.*].

May 3. Treasury Chambers. **135.** Mr. Tilson to Mr. Popple. The Lords Commissioners of the Treasury approve of the Representation on the Revenue Bill of Jamaica, and the draft of the new bill *etc.* *Signed,* Chris. Tilson. *Endorsed,* Recd., Read 3rd May, 1726. ½ *p.* [*C.O.* 137, 16. *ff.* 217, 218*v.*]

May 3. Whitehall. **136.** Council of Trade and Plantations to the King. *Representation upon* Act of Barbados *to prevent vessels that trade here from carrying off slaves etc.* The general intention of this Act (upon which we have had the opinion of Mr. Fane *etc.*) is to inflict exemplary punishment upon masters of ships, or any other persons, that shall clandestinely carry off from the Island of Barbados any negro, Indian or mulatto slave *etc.* or debtors. The punishment to be inflicted is death, and the forfeiture of ship and cargo *etc.* There is also a penalty of £500 laid upon any person that shall compound any matter done contrary to this Act, without proceeding in a due course of law, to bring the offender to justice; and this penalty is to be recover'd, as in the case of servants' wages, before the Justices of the Peace, and to be apply'd, one half to the informer, and the other half to the use of the fortifications. To the design of this Act *etc.* we have no objection; but on the contrary, we think it will be of use: But as there are some objections to the manner of putting the same in execution, we humbly submit it to your Majesty, whether this summary method of proceeding in cases of penalties before the Justices of the Peace, ought not to be condemned, but especially in so penal a law as this is, which should go through the most strict and regular enquiry the nature of the offence can allow of *etc.* Another objection, which we have to this Act, is, the penalties to be imposed by it, are not apply'd according to the letter of your Majesty's Instructions to the Governor *etc. they* are given *as above*, whereas it ought to have been to your Majesty, for the use of the fortifications. Upon the whole, as there are many things in this Act very just and necessary, tho' the manner prescribed for the execution thereof requires some alterations, we would not offer the same to your Majesty to be immediately repealed, but would humbly take leave to propose, that Mr. Worseley may be instructed to pass a new Act for the same purposes, not lyable to the objections made to this, and that the Act now in question may be thereby repealed. [*C.O.* 29, 14. *pp.* 420–422.]

May 3. Whitehall. **137.** Mr. Popple to Mr. Fane. Enquires his opinion in point of law how far Governor Worsley is to be justified in detaining the persons suspected of piracy mentioned in his letter of Nov. 14. [*C.O.* 29, 14. *p.* 422.]

May 4. Whitehall. **138.** Council of Trade and Plantations to the Lords of the Committee of Privy Council. In reply to order of 23rd Feb. (A. P. C. III, *p.* 74), submit draft of Revenue bill for Jamaica, "wherein we have taken care, as far as in us lay, to obviate the several objections made to that formerly transmitted home" *etc.* *Continue*:—We have had a particular regard to the amendments proposed by H.M. Attorney and Sollicitor General, but we have made some alterations therein and have likewise added some amendments of our own *etc.* We have left the disposition of the surplus that may arise to the Governor Council and Assembly, for the maintenance of partys for suppressing of runaway negroes, and for such other publick

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services as shall be necessary for the Island; for altho' H.M. might in strictness justly challenge to himself the dispositions of this surplus, if any should happen to be, yet considering that even in that case H.M. wou'd certainly out of his wonted goodness graciously direct the same to be applied to some publick service of the Island, and for asmuch as by this appropriation in the Jamaica draught, this surplus is applied in that manner by H.M. Governor, his Council and the Assembly; we hope your Lordships will be of opinion with us in this particular. As to what relates to the Quantum to be provided for; we humbly conceive that the sum of £10,000 pr. annum may be sufficient for the purposes already mentioned, and likewise for the maintenance of the two Independant Companies now in Jamaica, which ought to be added to their establishment; and will augment the charge £2000 pr. annum beyond the £8000 provided for by their draught. But as to the funds whereby these additional £2000 should be raised it is impossible for us at this distance to form any judgement upon them; however we would humbly propose to your Lordships that the Duke of Portland may be directed to take care that proper funds be inserted in the bill for this purpose, and that the same may prove the more effectual, that such branches of the Revenue raised in Jamaica by annual Acts for their contingent services, as have been found by experience to answer the sums for which they were given, may be appropriated in this Act towards the raising the sum of £10,000 pr. annum for a perpetual revenue for H.M. We have thought it the more necessary that these Companys should be provided for in this manner, because it is impossible for them to subsist in that Island, where provisions are so dear, without it, tho' they do receive their ordinary pay from England: and occasions have happen'd where these Companies have been in great danger of suffering, for want of this provision, upon disputes that have arisen between Governors and the Assembly, particularly during the Lord Archibald Hamilton's administration there, and likewise at this present juncture. But on the other hand, as a time may come when H.M. may no longer think it necessary for his service, or for the security of that Island, to continue these Independant Companies there; it seems to us highly reasonable that whenever that event shall happen, the Governor, Council and Assembly of Jamaica should be at liberty to appropriate such part of H.M. Revenue as is hereby intended for the support of the said two Companies, to any other publick and necessary service of the Island; and they have many such, tho' of an uncertain nature, which they are annually obliged to make provision for; and therefore we have added a clause for that purpose, *etc.* *Propose* that H.M. pleasure be signified to the Duke of Portland that this draught *etc.* be forthwith recommended to the Council and Assembly, as the

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terms which H.M. expects from them in return to his gracious condescension in the confirmation of their laws, and in departing from his patrimonial Revenue in the said Island for their welfare and defence. *Annexed,*

138. i. Proposed draught of Act of Jamaica *for granting a Revenue to H.M., his heirs and successors, for the support of the Government of this Island, and perpetuating the Acts and Laws thereof, as they now stand and are used.* With notes of alterations and omissions.

138. ii. An estimate of the present branches of H.M. Revenue, and of expences chargeable on it (£10,000 *etc.*). [*C.O.* 138, 17. *pp.* 60–99.]

May 5.
London.

139. Governor the Earl of Orkney to the Duke of Newcastle. Yr. Grace will pardon the liberty I tack to apply to you this way, since I have been long confined to my house by a violent sciatique ; the favoure I have to aske is a licence of leave for the Lt. Governour of Virginia to come to the Bath in England, which is phesetians all agree is absolutely necessary *etc.* It was your very good freend Sr. Robert Walpoole that recommended him to me and his behaviour in that Colloney has been very satisfactory to every body, soe that it would be a generall loss to loose soe worthy a man *etc.* *Refers to* the bearer, Mr. Leheup, for the form required. *Signed,* Orkney. *Holograph.* 1 *p.* [*C.O.* 5, 1344. *No.* 2.]

May 5.
St. James's.

140. H.M. Warrant for affixing the Great Seal to a Commission to Mathew Kent, Commander of the *Bristow* frigate, for seizing pirates in the Spanish West Indies *etc.* *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 177, 178.]

May 10.
St. James's.

141. Order of King in Council. Approving Representation of 21st April, and appointing Edward Mann to the Council of St. Christophers. *Signed,* Robert Hales. *Endorsed,* Recd. 25th May, Read 7th June, 1726. 1 *p.* [*C.O.* 152, 15. *ff.* 258, 259*v.*]

May 11.
Whitehall.

142. Council of Trade and Plantations to the King. *Propose* repeal of Act of Pennsylvania *for directing the process of summons against freeholders etc.* "The intent of this Act is to exempt all freeholders to the value of 50 acres of land in that Province, from arrest ; but as they may contract debts to a much greater value, and may have considerable personal estates with which they may run away, we are of opinion that this is an unreasonable privilege" *etc.* [*C.O.* 5, 1293. *p.* 399.]

May 11.
Whitehall.

143. Mr. Popple to Lt. Governor Gordon. My Lords Commrs. have lately had under their consideration four Acts passed in Pennsylvania, 1723, for giving a currency to paper

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money (*enumerated*). Their Lordps. have found by experience, that bills of credit have been of very ill consequence in other places where they have been issued, particularly in Carolina, where not only the Province, but the merchants have sustain'd great losses thereby. For this reason, if it were not out of tenderness to those persons into whose hands the bills issued in Pennsylvania, may have pass'd, their Lordps. would lay the aforemention'd Acts before H.M., to be repealed; and if any further Acts are pass'd for creating more bills of credit than those already issued; their Lordps. will certainly think themselves oblig'd to lay them before H.M. for his disallowance. However, for the present their Lordps. command me to acquaint you, that they think it highly necessary for H.M. service and for the good of the Province under your Govt., that all possible care should be taken for the effectual sinking these bills, and that the funds given for that purpose be duly applied. I am further directed to observe to you, that the laws referr'd to in these Acts for Paper Currency, have never yet been transmitted to this Office; and to desire that you will transmit the said Acts, and all such Acts for the future, as shall be pass'd in Pennsylvania. [*C.O.* 5, 1293. *pp.* 399–401.]

May 11. Whitehall. **144.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following. *Conclude*:—As this is a matter wherein the Court of Portugal is concern'd, we submit to your Grace whether it may not be proper the same should be communicated to the Portuguese Envoy here. *Autograph signatures.* 1¾ *pp.* *Enclosed,*

144. i–iii. Copies of letter and enclosures Nos. i, ii, from Governor Worsley, 14th Nov., 1725. [*C.O.* 28, 39. *Nos.* 35, 35. i–iii; *and* (*without enclosures*) 29, 14. *p.* 423.]

May 12. St. James's. **145.** H.M. Warrant appointing Edward Mann, H.M. Receiver in St. Kitts, to the Council thereof, in the room of Stephen Duport, decd. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *p.* 179.]

May 16. **146.** Wavell Smith to the Council of Trade and Plantations. *Encloses* affidavit by his brother, Deputy Secretary, Antigua, that the Minutes of Council of that Island, have been regularly deliver'd to Governor Hart. One of Governor Hart's Council having ventur'd to tell your Lordships that in case I succeeded (*v. supra*), my office would be worth £4000, *etc.* I give your Lordships the true value of the Secretary's Office. Mr. Hedges never made £400 pr. ann.; Mr. Knight let Antigua to Mr. Fleming at £200 pr. ann., St. Chris. to Mr. Bellagnier for £126, Nevis to Mr. Billingsley, £60; Montserrat to Mr. Lee for £30. I have let St. Christophers to Mr. Bellagnier for

£200; Nevis to Mr. Paris for £80, Montserrat to Mr. Lee for £30. Antigua I have executed myself *etc.* This year the Island is burnt up and in a wretched condition and my Office will not produce £100 over and above the charge of its execution *etc.* As to Nevis, my attorneys have been forced since January to abate my deputy £30 per ann. Register in Admiralty no man for all the Islands would give £100 pr. ann. *Signed,* Wavll. Smith. *Endorsed,* Recd., Read 17th May, 1726. 2¾ *pp.* [*C.O.* 152, 15. *ff.* 250–251*v.*]

May 17.
St. James's.
147. H.M. Warrant granting to Lt. Governor Drysdale licence of absence for one year. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *p.* 180.]

May 17.
St. James's.
148. H.M. Warrant granting Ralph Gulston, of London, merchant, license to fell trees in New England, in pursuance of a contract with the Navy Board for supplying six ship-loads of masts in 1728, 1729, 1730, 1731. The Lt. Governor is to aid and assist him *etc.* Directed to Charles Burniston, Surveyor General of H.M. Woods in America. *Countersigned,* Holles Newcastle. *Annexed,*

148. i. R. Gulston's contract referred to in preceding. *Copy.* [*C.O.* 324, 35. *pp.* 181–194.]

May 19.
Whitehall.
149. Mr. Popple to Mr. Carkesse. Presses for reply to 9th March. [*C.O.* 29, 14. *p.* 423.]

May 19.
Whitehall.
150. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed,*

150. i. *Same* to the King. *Reply* to 19th Feb., 1725, upon petition of Wavel Smith and Savil Cust *etc.* *Continue:* The offices claimed by petitioners are Secretary to the Leeward Islands, Clerk of the Crown, Clerk of the Courts, Register in Chancery, Register of the Admiralty, Clerk of the Ordinary, and Clerk of the Council. Of these offices, Secretary and Clerk of the Crown only are mention'd in your Majesty's Patent, but by vertue of the general words, vizt., "together with all fees, profits, rights *etc.* thereunto belonging, in as full and ample manner as any person hath enjoyed the same *etc.*," petitioners do claim the other offices, tho' not particularly named as branches of the Secretaries office, and altho' they seem to be distinct, yet it appear'd to us that the several offices in question have for the most part been enjoy'd by the persons who acted by virtue of your Majesty's patent as Secretaries to the Leeward Islands. On the other hand, it did appear to us, that in some few instances the said offices have been exercis'd by persons

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by virtue of Commissions from the Governors, more particularly that of Register of the Admiralty at Antego and at St. Christophers, and likewise the offices of Register in Chancery and Clerk to the Ordinary in St. Christophers; and the Council for the Governor did insist, that the right of nomination to the office of Register to the Court of Admiralty did belong to the Governor, by virtue of his commission from the Lords of the Admiralty, as Vice-Admiral. They likewise objected, that as the petitioners were by the patent appointed Secretary and Clerk of the Crown only, no general words would in law convey any other places to them, and that therefore the Governor might dispose of any places not particularly mention'd in the patent. We do not take upon us to determine how far, in strictness of law, this claim might be justified, but as the several offices in dispute have been for the most part held and enjoy'd as branches of the Secretary's office, and as the petitioners are in possession by virtue of Commissions from the Governor of the several branches in dispute, we are humbly of opinion that the petitioners may be continued in possession of the offices they claim, until it shall be otherwise determin'd by due courses of law. [*C.O.* 153, 14. *pp.* 211–214.]

May 20. St. Christopher's. **151.** Governor Hart to the Council of Trade and Plantations. *Encloses* Journals of Councils and Assemblies of the respective Islands, and also of several laws, " most of which are duplicates, not having the honour to receive any advice of their having come to your hands " *etc.* *Continues*:—It wou'd be of very great use, and a particular satisfaction, that upon the receipt of all letters, you wou'd be pleased to lay your commands, that I may have notice of such receipt as soon as may be. I have had but too much reason to complain frequently to your Lordships of the detention of my letters, having been taken up by designing people, and some of them not deliver'd, till they had gain'd their own bad ends in it. But have never been able to make a discovery of this wicked practice, till lately the Master of a ship (Capt. Crumpton) brought me three letters from London, and whilst he was conversing with the Collector of the Customs here, one De Jean (whose name and person was utterly unknown to me) took up my letters so directed; But upon a diligent enquiry I found out the man, who wou'd not own that he had taken up above two letters, the third, which was lost, I presume was from your Lordships, for which I have order'd him to be prosecuted. I take the liberty of giving your Lordships this instance of the misfortune I have lain under, with regard either to the commands I might have receiv'd from

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your Lordships, or of the advices I am in duty bound to communicate to your Lordships' board, from this vile practice of taking up letters. Nor do I know what remedy to apply for the cure. It is for this reason that I have for some time waited an opportunity of transmitting the papers above mentioned by a safe hand, as I now do by one Mr. Boitoux an Officer in Col. Lucas's Regiment here. The Act of Antegoa, *for explaining an Act for the better government of slaves etc.*, is only to acertain the price of slaves that shall be condemn'd, at £35 for a man, and £30 for a woman slave, there having been a very ill use made of the liberty given to the appraisers in the former Act. The Act *to invest certain lands in Antegoa in H.M. etc.* gives 20 acres of land for the use of his ships of war that shall be in the said harbour; a draft of which I inclose *etc.* Besides the many conveniencies (mentioned in the enacting part of the said law to H.M. ships of war and protection to the trade) the harbour is so good and easily fortified, that it is impossible any damage can happen by the hurricane to ships that ride therein; the way of securing them is two anchors a head, and two cables a stern past to the trees on shore, the place being land lockt, and the waters never disturb'd. Further, it will save H.M. a vast expence; for formerly the ships of war at Barbadoes and the Leeward Islands careen'd either at New York, or New England; which has been of fatal consequence in the late war with France, and the trade, nay even the Islands themselves, left naked and destitute of their best defence *etc.* If it was not so apparently for H.M. service, I am not forward in recommending Acts for the Royal assent; for reasons I have already communicated *etc.* The Act *for dividing the parish of St. Peter in Antegoa and erecting a new parish, to be called St. George's etc.* The parish was laid out in the beginning of the settlement of that Island, and contain'd very near one half of it, that part thereof now erected into the parish of St. George, has a very fair Church built upon it by the inhabitants, and the incumbent being fully provided for in that parish still retaining the name of St. Peter; and having signified his consent to the bill; I pass this Act to the satisfaction of all parties. The Act of Nevis *for raising a poll-tax on negroes and other slaves etc.*, is the only poll-tax they have rais'd in three years. The Act of Nevis *for raising an impost on strong liquors imported* is only the revival of a former Act which had been expir'd some years. The Act of St. Christophers *for erecting into a parish part of Cabesterre Quarter, by the name of Saint Cabesterre, and for enlarging the two parishes of Saint Ann Sandy Point, and St. John Cabesterre.* This parish lying in that part formerly belonging to the French, was subject to many inconveniencies, and particularly for an allowance to a clergyman, which by this Act is provided for, and put upon a footing with all the other parish's *etc.* The title of the Act of St. Christophers *for building a court-house, or publick hall, Secretary's and other offices at the town of Old Road, and to oblige the Secretary and other Officers to keep their offices in the said town,* is so full that I need not trouble your Lordships with any further explanation. The Act of St. Christophers *to limit the time of an Act to regulate the Militia.* In the passing the Militia Act formerly sent your Lordships, there was a clause omitted in the said Act; tho' consented to by both the Council and Assembly, limitting that Act for five years, by which omission the Act was perpetual, and there being many inconveniencies in the aforesaid Militia Act (which will be supplyed by another) I consented to this limitation agreable to the intention, and inclination of the Council and Assembly. The Act of St. Christophers *to repeal the Act for raising gunpowder and small arms upon the tonnage of vessels trading to the island, so far as the said Act relates to vessels trading from the Brittish Islands lying to the leeward of this Island etc.* The payment of which powder duty and small arms, has prevented the inhabitants of Tortola, Anguilla, Spanish Town and the lesser islands of this Government, from trading to this island for live-stock and provissions, which before the passing that law they brought here in great quantities, and which are now very much wanted. The Act of Mountserrat *to prevent the frequenting of taverns, alehouses and other tipling houses by seamen: and for the preventing selling of rum, rum punch or other strong liquors to negroes on Sundays.* An Act of Mountserrat *for holding a Court of Sessions,* being as near to the laws and customs of England as possible: I presume I need not say more upon it. My Lords, I have lately receiv'd a mandamus from H.M., commanding me to swear into the Council of St. Christophers William Pym Burt Esqr. In obedience to which I have order'd him to be summon'd to the next Council. At the same time I am to acquaint your Lordships that he is also of the Council of Nevis, having been formerly recommended there by me, on the character Lt. General Mathew gave me of him, (whose brother in law he is) tho' I have had some reason to alter my opinion of Mr. Burt, he being a person not qualified according to my Instructions—that is—he is far from being a person of good estate, being incumber'd more than it's worth. Besides, he is a person of very low understanding, and not to be depended upon for his advice in the Council. I beg leave to observe to your Lordships that as the Governours of the Plantations are impower'd by their Instructions to recommend persons to sett in the Council as best knowing those that are qualified to serve there (tho' far be it from me to dispute H.M. commands whenever He is graciously pleas'd to signifie the contrary) yet I cannot help observing from near twelve years experience I have had the honour to serve as Governour in the Plantations, that no man ever attempted to obtain a place in the Council in any of the Colonies without their knowledge and against the consent of the Governours, but the unworthy and the factious. Of the last I am sorry to say this Gentleman gave a remarkable instance at the last election of the Assembly of this Island, into which he endeavour'd to be elected, and by his declarations, with veiws to disturb the peace and tranquillity of this Government. But the inhabitants had such a detestation of the practices then on foot, for that end laid him asside, and all his accomplices, and chose a very good Assembly. As for Mr. Burt, I wou'd so far excuse him to your Lordships, being a poor innocent, who has just sense enough to be subservient to men of deeper and darker purposes; and when he cou'd not serve their ends in the Assembly, he is clandestinely recommended to be of the Council. But whether your Lordships will think proper to represent this matter to H.M., or how it can be expected that a Governour shou'd have any aid or assistance from the advice of such Councillors, so recommended, is humbly submitted to your Lordships' consideration. As there is one place in the Council of St. Christophers yet vacant, I humbly beg leave to recommend a person who will be of great use and reputation there; by his knowledge of the laws (a thing much wanting in all the Councils of this Government) by his prudence and sagacity, and by his being master of a plentiful and growing fortune, I mean H.M. Sollicitor General, John Spooner Esq., *etc.* My Lords, I intended myself the honour of representing to your Lordships many other matters relating to this Government; but as I am inform'd by my friends in England, H.M. has been graciously pleas'd, on my earnest prayer and sollicitation, to grant me his royal licence to returne to Great Britain for the recovery of my health; having been at least three years sick of the time I have resided in the West Indies; and as I am in dayly expectation of that licence, I shall then have the honour of presenting myself and a state of this Government to your Lordships. Which last in my humble opinion wants great reformation; and I am very feelingly sensible of the advantages, and disadvantages of a personal representation. In the mean time I cannot help representing to your Lordships the unhappy situation of the Governours of the Plantations from the unjust clamours of two or three factious, and perhaps unworthy men, whose calumnies put these Governours to vast expence, and great trouble in defending their characters, as is particularly now my case; For those Articles which were exhibited against me last year, at the instigation of Mr. Wavel Smith *etc.*, signed by a few persons, very little acquainted with the Leeward Islands, and the Order of Council to me to answer these complaints, have been transmitted more than seven months past (as I am credibly inform'd) to their correspondents in Antegoa. Yett they have not thought fit to serve me with that Order. They well knowing how easy it is for me to answer and acquitt my self of that charge; and perhaps are apprehensive of having a darker scene unveil'd, than they are willing to have expos'd: which it is probable is the reason that ever since the copys of these Articles have been handed about (which all persons disown here) I have met with the greatest tranquillity, and an abundance of outward shew of respect from those persons who formerly were most forward to insult me. So that tho' they have gain'd there ends in disappointing me of the support recommended by H.M., yet I am so far happy, as to be able to discharge my duty with ease, and without any ill bred interruption; and if I can make any judgment from their words and outward appearance, they seem to shew some sorrow and confusion for their former treatment. On my part I beg leave to assure your Lordships, that I make all possible advances to bring them into a right sense of their duty to H.M.; and to cultivate any good inclinations in them to that end. I intend in a few days to return to Antegoa, to hold the Chancery Court, and discharge the other offices of my Government. That Island is in a most deplorable condition from the dry weather, which has continued for eight months past; there having been no rain fallen there, till within this three days. So that they have not only lost their crop for this year and the next; but have been obliged to bring all their water, from Guardeloupe and Mountserrat; which was sold at 15*s.* a hogshead, which has occasioned the loss of many of their cattle and negroes. Nevis is in the same condition as to their crops. But St. Christophers and Mountserrat have had better fortune as to weather. Yet upon the least computation that I can make I do not find there will be more than one third part of the sugar made this year, in proportion to the last: which will be a very great loss to the Revenue; and many of the middling and poorer planters will be utterly undone. For they are not only disappointed of their crops for two years, but are obliged to buy provisions for themselves and negroes, upon credit from the merchants. *Signed,* Jo. Hart. *Endorsed,* Recd. 5th, Read 6th July, 1726. 14 *pp.* [*C.O.* 152, 15. *ff.* (*including abstract*) 260–268*v.*, 269*v.*]

May 20. **152.** Petition of the Merchants of London and others trading to and interested in the British Colonies in America. It has been a general practice, with the subjects of his Catholic Majesty in the West Indies, for several years past to fit out vessels in a warlike manner, on pretence of gaurding their coasts from unlawful traders: but, in reality under colour of such commissions have committed many depradations, and other acts of hostility, on your Majesty's subjects, on the high seas, and even on the coasts of Jamaica; where they have landed in the remote parts, plundered the inhabitants, and

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at times carried away above 300 negroes. It is notorious those guarda de la costa's, as they are called, never met with an English vessel, and could overcome, which they did not take, destroy or plunder, and to intimidate them, have frequently hoisted and fought under pirate's colours. Many of your Majestie's subjects have been killed and wounded in defence of their vessels and goods, and several in cool blood : and that the damages sustained in this unlawful manner since the Peace of Utrecht have amounted to above £300,000. Notwithstanding applications have been made from time to time to the Spanish Governours, and other Officers in America not only by the unhappy sufferers, but also by the Governours of your Majestie's Colonies ; yet they have not been attended with any manner of satisfaction or redress ; the dilatory, unfair and expensive proceedings in their Courts of Judicature rendring all attempts of that kind exceeding difficult, and even impracticable, insomuch that several have quitted their claims, rather than to follow them from Court to Court, and at length be obliged to leave their affairs in America, and go to Madrid and sollicit justice at the expence of their time and money, and loss of their business, which might end in their ruin. In regard to the difficulty, and even the impossibility of obtaining redress, since we have fully experienced, the unreasonable delays and evasive answers of the Spanish Governours and other Officers in America, and that your Majestie's subjects never obtained any manner of satisfaction by their application to them, nor even at the Court of Madrid, we humbly hope your Majesty will be pleased to grant letters of reprisal to such of your subjects as have been injured (in like manner as the French and other Nations do) on due proof of the illegal captures and other depredations, pursuant to the intent and meaning of the 14th Article of the Treaty with Spain in 1670 : or to take such other measures for the preservation of the Trade in those parts, as your Majesty in your great wisdom shall think convenient and proper. 94 *signatures. Endorsed,* Presented 20th May, 1726. 1 *large p. Parchment.* [*C.O.* 5, 4. *No.* 27 ; *and* (*duplicate without signatures dated* 1718 (?1728)) 28.]

May 20. **153.** Mr. Townshend to [? *Mr. Delafaye*]. Encloses copy of " a paper I deliver'd to my Lord Duke at the desire of Mr. Curzon " *etc. Requests* dispatch. *Signed,* T. Townshend. *Endorsed,* R. 19th. 1 *p. Enclosed,*

153. i. [? *Mr. Curzon*] to [? *the Duke of Newcastle*] London, May, 1726. Requests that assistance be given to John Shipman in his attempt to recover debt from Charles Chaplin of Port Royal *etc. Copy.* 1 *p.* [*C.O.* 5, 931. *Nos.* 15, 15.i.]

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May 21.
Whitehall.

154. Duke of Newcastle to Governor the Duke of Portland. Recommends to his favour and protection, so far as may be agreable to law and justice, the case of Mr. Shipman, who has some affairs depending with Mr. Charles Chaplin, his brother-in-law, and for whom Richard Rigby and Edward Pratter are acting *etc.* *Signed*, Holles Newcastle. [*C.O.* 324, 35. p. 195.]

May 28.

155. Address of the Visitors and Governours of the College of William and Mary in Virginia to the King. *Describe* foundation and building of the College. *Continue* :—By the deficiency of the funds, and the extraordinary charge the trustees have been at, not only in the first building of the College, but in rebuilding it after it was unfortunately consumed by fire, this good work hath been so much obstructed, that with their utmost care and diligence in managing the revenues, they have not been able hitherto to maintain their full number of Masters according to the direction and intention of the royal Founders *etc.* *Pray for* H.M. bounty to enable them so to do *etc.* *Signed*, Hugh Drysdale, James Blair, Rector, Robert Carter, Phill. Ludwell, Nathll. Harrison, Cole Digges, Peter Beverley, Joh. Robinson, John Grymes, Emmanuel Jones, John Skaife, William Randolph, Wm. Cole, John Randolph, Wil. Robertson. *Endorsed*, Rd. Mar. 21st, 172$\frac{6}{7}$. *Seal of College.* 1 *large p.* [*C.O.* 5, 1337. *No.* 34.]

May [ ].
St. James's.

156. H.M. Licence to Ralph Gulston to cut trees in New England in pursuance of a contract for six shiploads of masts, yards and bowsprits for the Navy to be delivered in 1728–1731. *Unsigned.* 3 *pp.* [*C.O.* 5, 752. *No.* 33.]

June 1.
St. James's.

157. H.M. Warrant for affixing the Great Seal to two Commissions for ships for seizing pirates in their respective voyages to Madagascar and Buenos Ayres. *Countersigned*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 196, 197.]

June 1.
St. James's.

158. Copies of the two Commissions referred to in preceding. [*C.O.* 324, 35. *pp.* 197–200.]

June 1.
Jamaica,
Spanish
Town.

159. Governor the Duke of Portland to the Council of Trade and Plantations. As the importance of the matters represented to your Lordships in what I wrote in Dec. and Jan. *etc.*, may have given occasion for some new Instructions to be sent, before your Lordships can have known the event of those struggles I then laboured under, a full account whereof was sent the 11th April *etc.*, I judged it would not be improper to try, and am accordingly takeing such measures I can to gett a new, and if possible a better dispos'd Assembly than the last has lately been, so as not to be preposes'd with a spirit of opposition, but more dispos'd to comply with such further

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instructions as H.M. may judge proper, either before or upon his being acquainted with what has past in the last Sessions, of all which I now transmit the duplicates. The general tranquility and satisfaction that has ensued, and continued ever since the passing of this last Perpetuity Bill sent over, (and seems in great measure owing thereunto) is such, that as it makes me hope I may be able to gett H.M. expectation answered, as to any thing not materially differing or inconsistent with that Bill, it also satisfies me that the aiming at any thing in contradiction thereto, or in opposition to their pretended rights and priviledges, (except H.M. pleasure thereupon be fully signified and the hands of the Government effectually strengthened) how well soever the new Assembly may happen to come disposed, will be vain and hopeless. What may deserve some consideration My Lords is that the many inconveniencies and discontents there were, before the passing of that bill, were such as that no body could well then have took upon himself to have answer'd for all the hazards he would have been expos'd to ; but what would the confusion and distraction by this time have been, especially at this juncture, when people are fill'd with rumours and expectations of warr, had they been continu'd any longer without laws. Having by some of the last ships that came from England received a pamphlet entitled the State of the Island of Jamaica etc. which is said to have made some noise there, it ought not to pass unobserved by me, it plainly appears to be a collection of facts, that, for the most part, have happened before my arrival here, and seems at this time published to answer some private view, with an apparent indication of finding fault with the Government. Altho' the particulars therein mention'd will some of them meet with their answers at home, others are grounded on nothing but malice, as can plainly be made appear if thought of moment enough to be taken notice of, or enquired into, and the rest excepting some observations concerning trade, which are confessedly good, are general representations and assertions with respect to the state and circumstances of the Island, grounded upon imaginary conceits, without the least colour of truth to support them. I cannot help taking some notice of the want of candour there is in the blending of all those facts together as an uniform complaint against the present Government, and of the carefull omission of such particulars as might tend either to my proper vindication, or to the setting of those facts in a true or fair light, as may appear by comparing what is publish'd of the Assemblies proceedings with their Minuits, wherein the publisher of this pamphlett has omitted taking any notice of that Address whereby the Assembly after all their enquiries and complaints were over vizt. upon the 14th of October do fully acquit me from any imputation, by confessing, that as they never doubted my inclinations to serve them, so they were entirely satisfied by my actions, of my constant endeavours to promote the tranquility, advantage, and prosperity of this Island. I suppose it is for the same reason that in the second Resolution page 76: about the ill accomodation of the soldiers, and that barracks should be built for them, he concludes it with the words that an Address should be presented to His Grace *etc.*, and so leaves it as a matter incumbent on and neglected by me, purposely omitting the latter part of the same resolution, which directs a clause to be incerted in the Deficiencie Bill for the raising of money for providing necessaries for the soldiers, which would have shewn that no provision had ever been before made by the Assembly for that purpose, nor none as yett, but an imaginary creditt. As to what concerns any losses sustained from the Spaniards by depredations on the shore, in taking off of negroes, had the author added any dates to those depredations it would appear that none at all of that kind have happened in my time, as has in a great measure if not wholly been oweing to the Comodores employing of the man of warr sloop which was done at my instance, and that is also carefully omitted, tho' appearing by the Minuits, and as to any losses of shipping since my coming, which by the dates in his printed list will appear to have been far fewer than formerly, I can give full satisfaction that I have upon every representation or complaint of that kind taken the most effectual measures, not only by letters sent to the respective Governours, but have even prevailed with some of the men of warr to carry them with an express charge to claim and insist to have right done to H.M. subjects; and have often recommended to the persons injured to give me a true state of the facts, that I might transmit and represent the same at Home. But the merchants who have made the greatest complaints have so entirely neglected this recommendation, that I can't help thinking their totall neglect of it, to be grounded on that supposition I have in former letters so fully represented, as if the assistance of the Government in their affairs was not requisite, but that applications thro' other channels at Home were the shortest and most effectual way of proceeding: in which opinion they are confirm'd by the behaviour of the men of warr, who take upon themselves, without the least participation of the Government, the intire management and protection of the Trade; which should free the Government here from imputation for any loss in that respect, tho' at the same time it makes the merchants conclude it to be entirely insignificant with respect to their concerns; the rather too because they cannot but observe (which I unwillingly do, and would not take notice of further than to take of the least suspition of neglicence here) the delay at home in answering such things as have been represented and required a speedy answer, and that those complaints which

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have been made in this respect have been dropp'd, or laid aside without any answers, tho' expected. There is not only too much foundation given for the inculcating of this notion by the proceedings of the Lords of the Admiralty, who seem chiefly to support and favour those who affect to act independent and in direct opposition to the Government; But likewise by the negligent and disrespectfull behaviour of most of the Sea Officers, of which, tho' I have already given your Lordships some instances, I cannot forbear taking notice of a fresh one, and that is in relation to Captain Solgard, who as I am inform'd, upon his late coming hither could find leisure enough to go on shore for his refreshment, for two or three days, while the other ships were preparing to go out with him, but in all that time, or whilst he was here, would not treat the Government with that decorum or respect as to make me one single visit, or even to send me the lest direct message or signification of his arrival, but left it for me to be aprized of by hearsay. A sort of treatment he would scarcely have used had I stood here without any character from H.M., but in that capacity exposes me to disagreeable and strange reflections. The notion also which I understand is entertain'd at home by some people, as if I had much concern'd myself in protecting and screening of the Marquis Du Quesne from the enquiries of the Assembly, must be owing to some such like disingenuous representation of that affair, since I gave them, as will partly appear by their Minuits, all the room, and all the aid I could to their enquiries, expressing my desire to be fully informed of all just reasons of complaint, and showing no dislike, but to the manner of their proceeding, as unusual, and, seemingly at least, abitrary; and that [*at*] a time when no body could guess upon whom it would fall, it ariseing plainly from an inclination to find fault, with or without reason, as appear'd in the progress of that matter. For after shewing their spleen against the friends of the Government, and upon the strictest examination finding nothing they could lay hold of to charge my self, as in effect is confessed by their Address, as it was necessary there should be something done to save their credits, and ingratiate themselves with the people, they attacqued Marquis Du Quesne, who, after seeing what they had to charge him with, which with difficulty he obtain'd, or their leave to make his defence, gave in such an answer to their charge (which answer the compiler of the forementioned pamphlett has not thought proper to take the least notice of) as gave satisfaction to the Publick, and was thought would have satisfied the Assembly, had not their honour been too far engaged to let a thing drop which they had begun and prosecuted with so much fury. And after all, as they to prevent the matters being taken into consideration in Council, hook'd them also into their censure, and instead of making any application to the Government here for redress, (which had they realy desir'd it, would have been the properest and speediest method) ended the affair with an Address to H.M., which made every body conclude their designs therein was only to raise a dust and leave it there, and as the Council were intent to enter upon their own vindication in the matter, and would certainly have pass'd such a censure on the Assembly's proceedings, as would have thrown all things into a flame, it was thought most adviseable to forbear any further proceedings in the affair, and to drop it in the manner it has been. *Encloses* the publick accompts audited and stated in due form, *etc.*, which it was impossible to do sooner, by reason of the death (a good while past) of Mr. Poyntz the late deputy Auditor, and of his long sickness before *etc.*, and that it is but lately another, Mr. Tymmes, was appointed. The like obstruction has been with respect to the affairs of the Naval Office, wherein by deaths and removals, such an interruption of business has happened, as has made it impracticable to have any such accompts as are required to be sent home. But the present Officer Mr. Montel having directions for that purpose, they shall likewise be transmitted with that expedition I can. I am to acknowledge the receiving (since writing of the foregoing) of your Lordships letter of the 4th of March last, and am very glad to find thereby that the refusal of my assent to that bill which had a clause to repeal the Additional Revenue Bill *etc.* is approved of by your Lordships. But I think it incumbent on me to represent, that the method intimated of sending hither the draught of a bill to perpetuate the laws, is in my opinion the most likely of all others to be attended with disapointment, distraction, and confusion, there being nothing more repugnant, nor so averse to the temper and disposition of the people here ; as may sufficiently appear by the Minuits of the Assembly, and more particularly by their address of the 25th of February last. And as such a draught cant be proposed whilst the perpetuity bill last sent over stands in the way, and continues so to do till H.M. pleasure concerning the same be signified, and as I can't apprehend that the publishing or proposing of any such draught can be of any manner of use or service, but quite the contrary, since I have too much reason to believe they never will, unless directly compelled, give way to any bill that hath not its first rise among themselves ; so in case it should be H.M. pleasure to insist on their so doing, and to reject the Perpetuity Bill last transmitted, it will be absolutely necessary to strengthen the hands of the Government, with such means of compulsion, and such instructions about the application of those means, as may justifie the use of them, and let these people see it will be vain for them to contend any longer with the Government. It may also be well worth considering, whether their obedience to any law obtain'd in such a manner, may any longer be depended on, than while the same means shall be kept up, by which it may happen to be obtained, and this consideration My Lords deserves to be put into some ballance with the weight of any such objection as may be made to any bill or bills transmitted with meer respect to their having had their rise here. I must therefore earnestly desire, particularly in case new Instructions be framed and sent before notice or the arrival of what I lately have sent over, and now transmit duplicates of, that there may be no time lost in considering and letting me have H.M. further instructions, and sentiments in relation thereunto. I can't inform your Lordships where, or how it has happened that the contents of my letters have been exposed. But I can affirm that I my self have seen whole paragraphs, copied out of my letters to your Lordships, that have been transmitted to private persons here from England, and agree almost verbatim with the originals. I don't doubt but by your Lordships prudent care, if it proceeded from any of your Officers, that such a practice will for the future be prevented, *etc.* P.S. I believe it will be neither improper, nor disagreeable, to acquaint your Lordships that I have lately received a letter from Admiral Hosier, dated the 21st of last month at Donna Maria bay, where he intended to stay no longer than to take in wood and water, and then proceed forthwith according to his Instructions. I am obliged to make up this pacquet without the duplicate of the Minuits of the Assembly, which is occasioned by an unexpected disappointment from their Clerk. *Signed,* Portland. *Endorsed,* Recd. 10th Aug., Read 16th Nov., 1726. 6 *large pp. Enclosed,*

159. i. Accounts of H.M. Revenue, Jamaica, 29th Sept., 1722—7th April, 1725. *Audited by* Deane Poyntz, Depty. Auditor. *Endorsed,* Recd. 10th Aug., 1726. 22 *pp.*

159. ii. Accounts of fortifications, Jamaica, 29th Sept., 1722—7th April, 1725. *Audited by* John Tymms, Depty. Auditor. *Endorsed as preceding.* 12 *pp.*

159. iii. H.M. Account of Impost, 30th Sept. 1722—7th April, 1725. *Audited and endorsed as preceding.* 10 *pp.* [*C.O.* 137, 16. *ff.* 291–293*v.*, 294*v.*–296, 297–300, 302–307*v.*, 308*v.*, 309*v.*, 310, 311*v.*, 312, 313*v.*, 314, 315–316*v.*, 317*v.*, 318, 319*v.*, 320, 321–325*v.*, 326*v.*]

June 1. **160.** Governor the Duke of Portland to the Duke of Newcastle. *Repeats preceding covering letter, omitting paragraph relating to leakage from his correspondence, and adding :* Being lately honoured with your Grace's letter of 5th March last, assuring me how little foundation there was for insinuating as if H.M. intention were to continue the laws from year to year, in order that I might undeceive those people who had been made to believe the contrary, it obliges me to referr your

Grace to what has past in the three last sessions of the Assembly, whereby you will see that no endeavours have been wanting to undeceive them in that point. But that their jealousie and incredulity has been such, that as it was not to be satisfied even with what H.M. had declared in his own letter, and by his Instructions to the same effect, there could in my opinion have been very little hope of their acquiescing under what your Grace has certified *etc.* *Signed,* Portland. *Endorsed,* Rd. 9th. 7 *pp.* *Enclosed,*

160. i. Copies of H. E.'s Speeches to the Assembly of Jamaica, with their Addresses and replies, Jan. 11—9th March. 1725(6). 22 *pp.* [*C.O.* 137, 52. *ff.* 246–249, 251–261*v.*]

June 2. New York. **161.** Governor Burnet to Mr. Stanyan. *Refers* to appointment of Lt. Smith (*v. following*) and *requests that* his recommendations may in future be speedily laid before His Grace, " for a great part of my influence here over the Officers depends on their expectations to be recommended to rise in their turns " *etc.* *Set out,* N.Y. Col. Docs. V. *p.* 776. *Signed,* W. Burnet. *Endorsed,* Rd. 20th July. *Holograph.* 2⅓ *pp.* [*C.O.* 5, 1092. *No.* 48.]

June 2. New York. **162.** Governor Burnet to the Duke of Newcastle. Has received two Commissions confirming the two he had appointed, and one appointing Lt. Thomas Smith in place of the third he had appointed, Lt. Walter Butler, who will thereby receive no pay. *Asks that* Smith may be ordered to his post *etc.* *Continues* :—The Assembly have raised a new support of Government for three years to come. The funds they have provided will, I fear, prove deficient *etc.* The Acts to prohibit the trade to Canada being all expired, the Assembly has taken another method for to encourage the trade with the Indians and discourage that to Canada, by laying a single duty upon the former and a double duty upon the latter. This method will be more punctually executed then the laws before in being, and therefore I hope more effectual tho' less severe *etc.* *Set out,* N.Y. Col. Docs. V. *p.* 775. *Signed,* W. Burnet. *Endorsed,* Rd. 18th July. 2¾ *pp.* *Enclosed,*

162. i–ii. Duplicate of *Nos.* 164, 164 i. [*C.O.* 5, 1092. *Nos.* 49, 49. i, ii.]

June 2. **163.** Duplicate of preceding covering letter with postscript of 25th June enclosing an account of the inhabitants of N. York, 1723. *Endorsed,* R. Aug. 11. 4 *pp.* [*C.O.* 5, 1085. *No.* 57.]

June 2. New York. **164.** Governor Burnet to the Council of Trade and Plantations. *Replies to queries* of 1st Oct. 1725. Has given orders for the return of accounts of revenue, quit-rents, escheats

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etc. Had heard that the accounts yearly transmitted to the Treasury would be accepted as a sufficient compliance with his Instructions on that head *etc.* As to numbers of planters, refers to account sent 16th Dec., 1723. *Continues* :—I would have ordered the like account to be taken in New Jersey, but I was advised that it might make the people uneasy, they being generally of a New England extraction and thereby enthusiasts, and that they would take it for a repetition of the sin that David committed, and might bring in the like judgments *etc.* But since your Lordships require it, I will give the orders to the Sheriffs *etc.* As to accounts of christenings and burials, they have never been kept regularly, and it would be extremely difficult to bring it to bear for here in New York, there are not Church of England Ministers in half of the counties. And there are many Dutch and some French and some Dissenting Ministers that baptise and bury, some of which keep no account, and others that perhaps, do understand no English. In New Jersey there are few Church of England Ministers, several dissenting Ministers, who keep no account and many Quakers who are never baptised. *Has made* or given directions for making the other returns required *etc.* *Concludes* :—I have met the Assembly here this spring, and they are now ready to break up. I could not obtain of them a new support for longer then three years, nor is it sufficient by 3 or 400 a year to defray all the usual charges of Government, but it was necessary to take as much as could be got at this time, because the old Revenue expires on the 13th of this very month and I must make it my business to get them to supply the deficiencys as they fall out, from year to year. As to the Acts to prohibit the trade to Canada and to encourage the trade with the far Indians, I found the former laws were so ill put in execution, by the people of Albany's screening and concealing one another, that I have thought it best to come into a new method, which is by laying a duty of 30*s.* on every peice of strouds carried to Canada, and 15*s.* on what is to go to the side of Lake Ontario. These duty's will be effectually raised and will make a difference ; but I found that the old laws would not have signifyed anything, if the oath had been made less severe as I have been informed your Lordships reported it ought to be *etc.* P.S. June 25th. *Refers to* enclosures. *Set out*, N.Y. Col. Docs. V. *pp.* 776–779. *Signed*, W. Burnet. *Endorsed*, Recd. 19th Aug., 1726, Read 22nd Feb., 172$\frac{6}{7}$. 8 *pp.* *Enclosed*,

164. i. Number of inhabitants of New York, 1723. *Totals*, Whites, 34,375 ; Negroes, 6205. *v.* N.Y. Col. Docs. V. *p.* 702. *Endorsed*, Recd. 19th Aug., 1726. 2 *pp.*

164. ii. Account of escheats at New York, Dec., 1721—June, 1726. *Total*, £35 6*s.* 8*d.* *Endorsed as preceding.* 2 *pp.* [*C.O.* 5, 1054. *ff.* 75–79, 80–81, 82*v.*–83*v.* ;

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and (duplicate of covering letter only, without postcript, and endorsed, Recd. 18th July, Read Feb. 22nd, 1726) 84–87 *v.*]

June 2.
New York.

165. Governor Burnet to Mr. Popple. *Acknowledges* letter of 1st Oct. received on 23rd May. Has therefore had no time to get the accounts required ready. *Continues* :—There were ships that arrived here last fall who left England a fortnight after the date of your letter, and two that arrived this spring from England who left London a month before the ship that brought your letter. I am at a loss to know whence this delay comes, but I was obliged to inform the Lords of it, that they may not think me remiss in answering letters. The Minutes of Council and Assembly which you miss were certainly sent, and I beleive received, but however I have ordered new copys to be prepared. P.S. I now send the minutes of Assembly for 1724 which were missing. *Signed,* W. Burnet. *Endorsed,* Recd. 18th July, 1726, Read 22nd Feb., 172$\frac{6}{7}$. 1 *p.* [*C.O.* 5, 1054. *ff.* 88, 89*v.*]

June 3.
Boston.

166. Mr. Willard to Mr. Popple. Encloses Minutes of Council and of Assembly and Acts passed at Session held 5th Nov., 1725. "This is the first good conveyance we have had for this month past." *Signed,* Josiah Willard. *Endorsed,* Recd. 26th July, Read 11th Aug., 1726. $\frac{3}{4}$ *p.* [*C.O.* 5, 869. *ff.* 327, 327*v.*]

June 13.
Whitehall.

167. Duke of Newcastle to the Governor of Pennsilvania. On the application of the Swedish Envoy, requests that the children of Isaac Bauer, formerly Lt.-Col. of Swedish troops in service of Holland, who died in Pennsilvania, may be sent to their uncle in Sweden for their education *etc.* *Signed,* Holles Newcastle. *Annexed,*

167. i. John Bauer to the Swedish Envoy. Stockholm, 19th May, 1726. Request as preceding. After the Peace of Utrecht his brother went to the West Indies and there married *etc.* *Translation.* [*C.O.* 324, 35. *pp.* 201–203.]

June 14.
Whitehall.

168. Order of Committee of Council. Referring representation and draught of Revenue Act for Jamaica to the Attorney and Solicitor General, for their report on 21st June. *Signed,* Temple Stanyan. *Endorsed,* Recd., Read 20th Oct., 1726. 1 *p.* *Enclosed,*

168. i. Mr. Attorney and Mr. Solicitor General to the Lords of the Committee of Privy Council. In reply to preceding, propose some amendments. *Copy.* 3 *pp.* [*C.O.* 137, 16. *ff.* 287, 288–289, 290*v.*]

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June 19. **169.** Lords Proprietors of Carolina to the King. *Pray* that the following Articles may be inserted into the Instructions of the Provisional Governor of South Carolina. (i) That he be assisting to the Proprietors in their demands of their just dues and rights by their Charter *etc.*, and especially in collecting and receiving their quit-rents *etc.*; that in case any difference should arise between the Proprietors' Officers, and the Planters, in collecting their cheif rents etc. such differences may be immeediately heard, and determined, according to the customs, and laws of the Province, and Justice between them may be equally and impartially administered. Petitioners humbly conceive that if a Register was established in the said Province where the grants that have been made, and those which shall hereafter be made should be entered, and the quantitys of lands granted, and the cheife rents therein reserved should be expressed; it would put an end to all disputes of that nature that could arise, and the peace and quiet of the country would be settled and established. (ii) That the Provisional Governor be directed to continue such Officers (as by their sd. Charter your petitioners have power to appoint) in their several and respective offices, and imployments, during their good behaviour, and that they may be countenanced, and protected whilst they justly perform the dutys of their imployments. (iii) Many of the inhabitants after they had deposed petitioners' Governor (who was approved by your Majestie) did after an illegal and unwarrantable mannor, enter into and possess themselves of the lands of petitioners without any claim or right thereunto, and therein did cut down great quantities of the most valuable wood and timber, which has reduced those lands to less than half the value they were esteemed at before; upon which account great injury and damage has been done to the estates of your petitioner's Governor may be instructed to turn those illegal intruders out of your petitioners lands, and that your petitioners may again be restored to their antient inheritance and that a stop may be put to such illegal proceedings for the future *etc.* *These* Instructions would tend greatly to the settlement of the peace, quiet and happiness of that Colony, and to the support of the just rights of the Proprietors *etc.* Mmd. All the Lords signed this. [*C.O.* 5, 290. *pp.* 175, 176.]

June 20.
N. Providence. **170.** Governor Phenney to the Council of Trade and Plantations. *Refers to letter* of 28th Jan. *and encloses* Minutes of Council and Custom House papers *etc.* *Continues*:—We have acted in all cases with an honest intention and to the best of our knowledge, and hope you'l please to grant us some indulgence on account of the circumstances of this Colony, being here almost totally without precedents, but as we have from time to time collected them from our neighbours. A rumour we have had for a month past of a war obliges me to remind

your Lordships of our great want of gunpowder, carriages and other stores, our largest canon being all dismounted, and what carriages I have made here being of little use for want of a good wheelwright *etc.* *Signed,* G. Phenney. *Endorsed,* Recd. 26th, Read 27th Jan., 172$\frac{6}{7}$. 1$\frac{1}{2}$ *pp.* [*C.O.* 23, 2. *ff.* 37–38*v.*]

June 20. N. Providence. **171.** *Same* to the Duke of Newcastle. *Acknowledges* letter of 29th Oct. last, in relation to Mr. Wood's Patent for the coyning of half-pence, pence and two pences for the use of H.M. Dominions in America, and shall be aiding and assisting him as your Grace orders *etc.* *Concludes as preceding.* *Signed,* G. Phenney. *Endorsed,* Rd. 25th Jan., 172$\frac{6}{7}$. 1$\frac{3}{4}$ *pp.* *Enclosed,*

171. i. Minutes of Council of the Bahama Islands, 14th Nov., 1721—16th May, 1726. 265 *pp.*

171. ii, iii. List of ships entered and cleared from Providence 26th Dec., 1725—25th March, 1726. *Signed,* Jno. Warner, Nav. Off. 3 *pp.* [*C.O.* 23, 13. *ff.* 285, 285*v.*, 286*v.*, 288–422, 424*v.*, 426, 427*v.*]

June 21. Whitehall. **172.** Mr. Popple to Mr. Fane. Requests his opinion in point of law whether the Act of Parliament *giving further encouragement for the importation of Naval Stores etc.* can be construed to take away the right reserved to the Crown by the Charter of the Massachusetts Bay of trees of 24 in. diameter *etc.* *v.* Feb. 16th, 1726. [*C.O.* 5, 915. *pp.* 456, 457.]

June 21. Whitehall. **173.** Order of Committee of Council. Referring back to the Council of Trade and Plantations their report of 30th March upon Governor Shute's petition. They are to consider of the most effectual methods proper to be taken, to oblige the Councils and Assemblys of the Massachusetts Bay and New Hampshire to pay the petitioner's arrears and to settle a fixed and perpetual salary on H.M. Governor suitable to the dignity of his post. *Signed,* Temple Stanyan. *Endorsed,* Recd. 30th June, Read 6th July, 1726. 1 *p.* *Enclosed,*

173. i. Copy of Governor Shute's Memorial. *v.* 4th March. [*C.O.* 5, 869. *ff.* 263, 264–265, 266*v.*]

June 22. Whitehall. **174.** Duke of Newcastle to Governor Worseley. *Recommends* to his favour and protection, so far as may be agreable to law and justice, the case of Henry Morgan, relating to a grant from the Crown to him and his wife of the possession of an estate in Barbados till a debt of £3,500 be paid him, due by mortgage and judgment enrolled *etc.* *Signed,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 203, 204.]

June 24. **175.** Petty expences of the Board of Trade, Lady Day to Midsummer £148 19*s.* 2$\frac{3}{4}$*d.* Postage, £13 1*s.* 4*d.* Stationery, £79 16*s.* 4*d.* *Endorsed,* Recd., Read, July 14, 1726. 7 *pp.* [*C.O.* 388, 78. *ff.* 143, 144*v.*, 147–148*v.*, 150, 150*v.*]

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June 24.
Whitehall.

176. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 6 Acts passed in New Jersey, 1725. (i) *for the support of the Government,* Sept. 1725–1730, (ii) *to lay a duty on wheat* etc., (iii) *to ascertain the size of casks etc.*; (iv) *for the better regulating of elections etc*; (v) *concerning the appointment of the Commissioners of the Loan Office etc.*; and (vi) *prescribing the forms of declaration of fidelity, abjuration and affirmation etc.* [*C.O.* 5, 996. *pp.* 142, 143.]

June 24.
Whitehall.

177. Council of Trade and Plantations to Governor Burnet. *Acknowledge* letter *etc.* *Refer to* discrepancies between his acounts of exports of furs and those of Custom House. Mr. Kennedy is appointed to the Council. *Ask for* return of negroes imported. P.S. Instruction as to correspondence as in Postscript to June 30 *etc.* *Set out,* N.Y. Col. Docs. V, *pp.* 779, 780. [*C.O.* 5, 1124. *pp.* 384–387; *and* (*rough draft*) 5, 1079. *No.* 143.]

June 24.
Whitehall.

178. Mr. Popple to *Same.* *Refers to* discrepancies in returns of exports of furs owing to his merely recording number of cases without number or value of contents. *Requests that* accounts of furs and skins may be kept in future in accordance with the Custom House method, *enclosed.* *Set out,* N.Y. Col. Docs. V. *pp.* 780, 781. [*C.O.* 5, 1124. *pp.* 388–390; *and* (*rough draft*) 5, 1079. *No.* 144.]

June 25.

179. Governor Burnet to Mr. Popple. Encloses a duplicate of part of postscript to 2nd June. *Signed,* W. Burnet. *Endorsed,* Recd. 19th Aug., 1726, Read 23rd Feb., 172$\frac{6}{7}$. 1 *p.* [*C.O.* 5, 1054. *ff.* 90, 91*v.*]

June 28.

180. Account of negroes imported into Virginia 1710–1718. *Endorsed,* Recd. (from Col. Spotswood), Read 28th June, 1726. 7 *pp.* [*C.O.* 5, 1320. *ff.* 5–7, 8–10*v.*]

June 28.
Whitehall.

181. Council of Trade and Plantations to Governor Burnet. *Acknowledge* letters of 12th May, 1724, and 2nd Jan., 1725, " as also the several Acts and other public papers therein mentioned, which we desire you will be punctual in transmitting for the future " *etc.* *Enclose* Attorney and Solicitor General's report upon gold and silver mines in New Jersey (*v.* 30th Nov., 1723). *Continue*:—We have considered the Act *for an additional support of this Government and making current* £40,000 *in bills of credit etc.* We must take notice to you upon this occasion, that we are very cautious of recommending to the King the confirmation of any bills of this nature, considering the many ill consequences, we have observed to proceed from them; But as in this bill proper care seems to be taken of the security required from those to whom these bills shall be lent,

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and that the bills to be raised by this Act would be sunk in tenn years time, if the manner prescribed for sinking them, were punctually put in execution, and that there would then be a profit to the public of £5,772, we shall let this Act lye by probationary, in hopes it may answer the end proposed by it: But it is with some concern, that we are obliged to observe, you have already broken into the appropriation of this Act by an Act for the support of the Government of New Jersey, commencing 23rd Sept., 1725, and ending 23rd Sept., 1730, by which you take away from your sinking fund the first year's intrest arrising upon the bills lent out, which proceeding is a very bad precedent, and we apprehend will be detrimental to the credit of your paper money. Proceedings of this nature have had that effect in other Colonies, where at the first setting out, they have made very good laws for sinking the paper bills, but have afterwards broken in upon the funds appropriated for that purpose: we must therefore recommend to you, to take particular care that no further alteration be made in the funds given by the first Act for sinking the paper bills: and we shall let this second Act likewise ly by probationary, till we hear further from you; we observe, that the whole provision made by this last mentioned Act for the service of the Government for five years amounts to £6350 7*s.* 0*d.* of which £2410 7*s.* is said to be necessary for the first year's service only, which greatly exceeds the general provision for the whole five years; we apprehend this may be best explained by an account of the annual charge and income of the Province, which we desire you will send us, as also the like account for New York. [*C.O.* 5, 996. *pp.* 137–140.]

June 28. Whitehall. **182.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Encloses, for their opinion in point of law, extract of letter from Lt.-Gov. Drysdale, and queries relating to the case between the King and the Proprietor of the Northern Neck *etc.* [*C.O.* 5, 1365. *p.* 287.]

June 29. Virga. **183.** Lt. Governor Drysdale to the Council of Trade and Plantations. *Sends returns required Oct. 1st*:—The forming a list of twelve persons fitly qualified to supply the vacancies in the Councell, is a task more difficult than at first I apprehended; and the more I consider of the qualifications requisite in those who ought to fill that post, the more I am concerned, lest by any mistake in my choice, I should doe a disservice to the Crown, or Country: for a knowledge of in the law, is a requisite, as principles of loyalty, where the Councell are the onely judges of men's properties and estates and few gentlemen here has made much progress in that study: Again, the gentlemen of the best estates here, are so nearly linked by blood or by intermarriages, that I cannot judge itt adviseable to put the power of judicature in the Genll. Court too much into one family : some again are well qualified as to their circumstances, but are barren in their intellects : others of good sence and understanding, want ye advantage of a suitable fortune *etc.* These difficulties together with an ill state of health for a long time past which has hindred mee from the personall knowledge of many of the Gentm. of the country that live remote, and ye apprehension of being deceived in the charecters of men, has hitherto obstructed the sending that list required *etc.* *Encloses* list that will suffice for some time (*v.* encl. i). *Continues :*—The number of planters and inhabitants are onely to be known by the list of tithables, *etc. v.* encl. ii, iii. *Continues :*—As to the condition of the batteries erected for the defence of the sevll. rivers, (for forts there are none) your Ldpps. will bee pleased to know, that about 1720 there were erected *etc.*, on Point Comfort at the mouth of James River a battery of 21 gunns : but itt was so ill situated, and the work so badly finish'd, that a great part of itt was broke down and carried away, by the storm and inundation that happened in Augt., 1724, so that there remains now onely 10 gunns mounted, and another such storm would render them useless. Two batteries opposite to one another on York river, the one at York town, on the South side, of ten gunns, the other att Tindall's point on the North of 14 gunns, both in pretty good repair. A batterie of six gunns at ye mouth of Coretomen river which falls into Rappa. about ten miles from the mouth thereof ; another of the like number of gunns about 40 miles up Rappahanock river, at a place called Hobbs's hole, where the shipps usuall ride : both these batteries are in good repair. But many of the cannon having been long in the country and little care taken of them, are become so decay'd and eaten up with rust, that they will bee of small service, if ever there should bee occasion to use them ; and your Lddspps. will likewise observe from the account of the stores, how slenderly these batteries are furnish'd with shott and with gunners' stores and that there is not one skane of match in the country. The obtaining a compleat mapp of the Colony would bee a work very desireable but withall of so much expence, as has made any attempt of that kind impracticable, and I fear is little to bee hoped for, til the country grows richer. As to the strength and situation of our neighbours, 'tis the happyness of Virga. to bee seated almost in the centre of ye Brittish Empire on this Continent : there is not any European Nation inhabiting near us : wee have N. and S. Carolina between us and the Spaniard : Maryland, Pensylvania, Jersey and New York between us and the French ; so that unless the French have extended their setlements to the westward of us (of wch. wee know nothing at present) wee have no neighbours that can at this time give us any disturbance : As to the Indians, there is not any considerable nation within some hundreds of miles of our frontiers: and the few tributaries that live amongst us, are inconsiderable, and withall so divided among themselves that they seem rather to want our protection, than to seek to give us any umbrage. *Refers to other enclosures. Continues:*—The Courts of Judicature in this country are 1st the Genll. Court which is held twice a year in April and October at Wmsburgh: the judges are the Govr. and Councell *etc. Refers to* Act of 1705 *for establishing the General Court,* "in which Act your Ldpps. will see the whole extent of its jurisdiction: the salary to the Councell, is £350 per ann., distributed among them according to their respective attendancies in the Genll. Courts and Assemblys: The Sheriffe of York County and his deputies are the officers attending that Court: for which he has £2000 weight of tobacco for each Court paid him by the Genll. Assembly: the cheife Clerk of the Secretary's Office is clerk of the Genll. Court, and the fees on all causes prosecuted there, are paid to the Secretary of this Dominion. The Courts of Oyer and Terminer held the 2nd Tuesday in June and Decr. are established pursuant to H.M. Instructions *etc.* It is held by speciall Comission from the Governour directed to the Councell, who lays claim to the priviledge of being the onely judges: the Clerk of the Secretary's Office is also Clerk to this Court, and the Sheriffe's of York and James City summon and attend with a grand and petit jury, for which they have an allowance out of the £100 allow'd for the charge of each Court, and the rest is distributed amongst such of the Councell as attend the service. The County Courts are held once a month in each county, and are constituted by comission from the Governour to such Justices as he with the advice of ye Councell thinks fitt to nominate in each county, who are termed Justices of the Peace and are not limited to any certain number, but generally proportioned to the extent of the severall counties: these have noe sallary, nor other profitt from their places: the Sheriffe of the county is the officer of the Court, and is always nominated from among the Justices: the Clerk of evry County Court is appointed by the Secretary and is removeable at his pleasure *etc. Refers to* Act of 1710, *for establishing the County Courts etc. Describes Court of Vice-Admiralty etc. Continues:*—The cheife buisness for this Court is prosecutions of shipps for breaches of the Act of Trade, and suits for mariners' wages *etc.* It is a Court that has very little buisness, and perhapps the less, because its jurisdiction is as little known, as the methods of proceedings therein: yett it is to be wish'd that some certain forms were establish'd for the better regulating thereof, it being a judicatory absolutely necessary, for the better putting in execution the Acts of Trade *etc.* The Court of Hustings of the City of Wmsburgh. is a Court of Record, erected by letters patents under the Seal of the Colony by the late Governr. The Judges are the Mayor, Recorder, and Aldermen, their jurisdiction is limited to causes of £20 value arising within the precincts of the Corporation: and these act as Justices of the Peace therein: they have a town clerk, and a marshall, whose fees are the same as those of the County Court *etc.* The fees to the officers of each Court except that of the Admiralty are contain'd in an Act of 1718, *for ascertaining the fees of the Secretary etc. Continues:*—The one patent office exercised here by a deputy, is, that of the Auditor Genll. of the Plantations, whose deputy is Nathll. Harrison Esqr., one of H.M. Councell, a person of good charecter and capacity, and who has hitherto discharg'd that trust with diligence and fidelity: This office must always bee executed by a Deputy, since the severall parts of his province being so remote from one another, it is impracticable for the Auditor Genll. to act in all places in person, and I apprehend from the first institution, a personall attendance in America was never intended to bee required of this Officer: neither doe I conceive any prejudice to H.M. service, while he appoints fitt persons to act in his stead. Another officer who holds his place by patent under the Great Seal is the Secretary of this Colony, generally granted to a person residing here; he has the custody of all the records of the Genll. Court, and of all instruments that pass under the Seal of the Colony; and claims by *usage* (without any speciall grant in his patent) the appointment of all the County Court clerks, who under him have also the custody of the records of those Courts: so that he may be called rather the Custos Rutilorum of the Country than Secretary, for he doth not concern himself in the preparing any matters of State: This Office from itts first establishmt. was only granted during pleasure, which made the Secretary very much dependent on the Governour, and a necessary assistant to him, in evrything wherein the service of the Crown was concerned: but the present Secretary has obtained a patent for that office during life: This may occasion a great change in the administration of this Government; since as the Secretary, he has the absolute disposal of no less than 28 clerkshipps of counties, and all of 'em places of considerable profitt, and held onely during his pleasure: whenever then a person in this station shal have a mind to thwart the King's service, or to carry on any private design of his own, he has itt in his power to gett each of his clerks return'd one of the Burgesses for the severall counties, or to gain one Burgess in each county by the gift of the clerkshipp, and soe to have one half of the lower House of Assembly intirely in his interest, and ready to vote as he directs, for which service, they have the encouragement of this support during his continuance in his office, that is, as long as he lives: I am farr from reflecting on the actions of the gentleman now enjoying this post; I am directed by H.M. instructions to report to your Ldspps. what is fitt to bee done or altered in these patent offices; and I think it my duty to lay before your Ldspps. this great change from the antient constitution *etc.*, and submitt itt to yr. Ldspps., what manner the growing power of this officer may bee made subservient to H.M. interest and service *etc.* *Continues*:—As to the wants and defects of the Colony *etc.*, it is much more easie to describe the wants, than find out means to supply them: It is most certain there are many things wanting for the necessary defence of this Colony against forreign invasion: our harbours lye open to an enemy, against which a few batteries now in being are but a weak defence: our Militia are ill arm'd, notwithstanding the strict penalties inflicted by law for not providing themselves therewith: the common excuse is the poverty of the planters, who compose the body of the Militia, occasion'd by the low price of their onely product tobacco: and the Genll. Assembly have laid aside all thoughts of providing armes at the publick charge, since they have been restrain'd from laying duties *etc.* I design (as soon as the condition of my health wil give mee leave) to make a more exact enquiry into the present state of the trade, the improvements which may bee made in those branches already in use, and what other new products and manufactures may bee discovered and put in practice, by proper application and industry, *etc.* *Signed*, Hugh Drysdale. *Endorsed*, Recd. 9th, Read 14th Sept., 1726. *Holograph.* 21 *pp.* *Enclosed*,

183. i. Gentlemen fitt to supply vacancies in Councell:—Wm. Dandridge, recommended by his Grace the Duke of Montagu, is an English gent. of a plentifull fortune *etc.* John Custis, of a great estate in this Colony, whose ancestors have been of the Councell, he is little ally'd to any of the present Councellors; his many qualifications renders him fit for that board *etc.* Thomas Jones is an English gent. long residing here, where hee has acquired a very considerable estate; he is every way qualified *etc.* Henry Armstead. Every way qualified. "I place him last, in expectation that one of the four Councellors now sitting, who are all nearly ally'd to him in blood, may dye before it comes to his turn" *etc.* *Signed and endorsed as preceding.* *Holograph.* 1 *p.*

183. ii. The present state of Virginia. Lists of officers, civil and military, magistrates, ministers, Militia, *etc.* *Tithables* (by counties):—Accomack County, 1300; Brunswick, 160; Charles City, 1082; Elizabeth City, 813; Essex, 2472; Gloucester, 3421; Hanover, 1941; Henrico, 2453; James City, 1347; I. of Wight, 1844; King George, 1300; King and Queen, 2685; King William, 2389; Lancaster, 1249;

Middlesex, 1150; Nansemond, 1692; New Kent, 1348; Norfolk, 1188; Northampton, 1044; Northumberland, 1723; Princess Anne, 1046; Prince George, 1624; Richmond, 1450; Spotsylvania, 950; Stafford, 1800; Surrey, 2049; Warwick, 701; Westmorland, 2011; York, 1625. *Endorsed as preceding.* *3 large folded pp.*

183. iii. Account of stores of war in and wanting in Virginia. *Same endorsement.* 1 *p.*

183. iv. Account of negroes imported from Africa, 24th June, 1725–1726. 1671 in 10 ships. *Same endorsement.* 1 *p.* [*C.O.* 5, 1320. *ff.* 41–51, 52*v.*–54, 55, 56, 56*v.*, 57, 58*v.*–59*v.*; *and* (duplicate of *No.* ii *only, without date or endorsement*) 5, 1337. *No.* 31.]

June 30. Whitehall. **184.** Council of Trade and Plantations to Governor Phenney. *Acknowledge* letters *etc.* of 10th Aug. and 24th Dec., 1723, 3rd Dec., 1724, 16th April, 1725 and 26th and 28th Jan., 1726. The draught of Lord Carteret's bastion (10th Aug., 1723) has not been received. *Continue*:—We have sent to the Duke of Newcastle the papers *etc.* you have transmitted with respect to the piratical practices of the Spaniards, and hope you will soon receive a satisfactory answer from his Grace. We are now preparing a representation to H.M. wherein we shall offer our opinion that an Assembly may be appointed for the Islands under your Government pursuant to your request and that some stores may be sent to you. We shall likewise propose to the Treasury that the bills in Mr. Mulcaster's hands may be applied as you and H.M. Council desire. We have discoursed with the lessees concerning the granting of land in the Bahama Islands and they have promised to use their endeavours to get the quit–rents fix'd upon a reasonable rate to encourage the people to settle with you *etc.* P.S. We have no regular accounts in our Office from the Bahama Islands of the number of negroes that have been annually imported there either by the African Company or by the separate traders, and therefore we desire that you will send us by the first opportunity as perfect an account as you can *etc.* for as long a space of time backwards as you can, and that for the future a regular account may be annually sent *etc.* As letters from the Govrs. of H.M. Plantations, as well as the papers referred to in their letters do frequently miscarry, you are desired for the future to take notice in the body or postscript of all your letters by whom you send them, and by the next conveyance constantly to send duplicates *etc.* that it may be known to whose neglect the loss of letters is to be imputed. [*C.O.* 24, 1. *pp.* 79–82.]

June 30. Whitehall. **185.** *Same* to Lt. Governor Drysdale. We have lately had under consideration your letters *etc.* of 6th June and 10th

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July, 1724, and 29th Jan., 31st May and 17th Nov., 1725 *etc.* We have received the opinion of Mr. Attorney and Sollicitor General in relation to the exorbitant grants of land made by Colo. Spotswood, but as we are inform'd that Colo. Spotswood has petition'd H.M. upon this subject, we are willing to wait some time before we send you our thoughts upon this matter. As to the settling the boundaries between Virginia and North Carolina, the Lords Proprietors having, as we are lately inform'd, given Instructions to their Governor, to settle them according to the proposals made by Colo. Spotswood and their late Governor Mr. Eden, we shall now lay a copy of those proposals before H.M., for his approbation likewise. We send you inclos'd a copy of a petition from some merchants of Bristol, praying to be reimburs'd some duties they have paid in Virginia for negroes imported there, after the Act for laying a duty on liquors and slaves, had been repeal'd here, upon which occasion we desire you will let us know what money has been collected by virtue of that Act, and how the same has been applied. We have not as yet receiv'd the opinion of the Commissrs. of the Customs upon some extracts of your letter in relation to a vessel having carried English wrought iron from Ireland directly to Virginia (*v.* C.S.P. 27th Aug., 1725), but so soon as we receive their opinion, you shall be inform'd of it. We have sent to his Grace the Duke of Newcastle several affidavits you sent, 10th July, 1724, relating to ships taken by the Spaniards. John Grimes is appointed to the Council *etc.* *Repeat preceding postscript* as to returns of negroes imported and *correspondence. Acknowledge* letter of 20th April just received. We have sent the queries enclosed to H.M. Attorney and Solicitor General (*v.* 28th June). [*C.O.* 5, 1365. *pp.* 288–291.]

July 1–3. **186.** Copy of surrender to the Lords Proprietors of Carolina by Thomas Lowndes of a patent for landgraveship with four baronies of 12,000 acres of land each, purchased by him from the heirs of John Price decd., and of grants by the Lords Proprietors to him of four single baronies in lieu thereof, one in his own name and the other three in the names of three other persons in trust for him, viz. Isaac Lowndes, Charles Edwards and John Berresford under the yearly rent of one penny for every such barony, he being desirous to settle and improve the said four severall baronies. *Signed,* Tho. Lowndes *and* Beaufort, Craven, Ja. Bertie, Hen. Bertie, John Tyrrel, J. Colleton. [*C.O.* 5, 290. *pp.* 238–250; *and* 324, 49. *pp.* 121, 123.]

July 5. **187.** Mr. Bladen to Lord Townshend. I had the honour to promise your Lordship some time ago, that I would lay my thoughts before you at your leisure, in what manner the several Plantations on the Continent of America might be reduced under one general Government, without injustice to the present

Proprietors, or further expence to the Crowne. Your Lordship has acordingly enclosed a short essay upon that subject, and if it has the fortune to meet with your aprobation, I have some further hints to sugest *etc.* *Signed,* M. Bladen. 2 *pp.* [*C.O.* 5, 4. *No.* 29.]

July 5. Kensington. **188.** Order of King in Council. Ordering an Additional Instruction for Governors to be prepared requiring them to suspend execution of judgements in case of an appeal to H.M., unless good security be given by the appellee *etc.* *Set out,* A. P. C. III. *No.* 100 *q.v.* *Signed,* Temple Stanyan. *Endorsed,* Recd., Read 14th July, 1726. 2¼ *pp.* [*C.O.* 323, 8. *No.* 66.]

July 5. Kensington. **189.** Order of King in Council. Repealing Act of Barbados *to prevent carrying off negroes etc.*, for reasons given by the Council of Trade. Governor Worsley is to recommend to the Council and Assembly, the passing a new Act for the same purposes not liable to the objections referred to. *Signed,* Robert Hales. *Endorsed,* Recd. 2nd, Read 11th Aug., 1726. 2½ *pp.* [*C.O.* 28, 18. *ff.* 307–308*v.*]

July 5. Kensington. **190.** Order of King in Council. Repealing Act of Pennsylvania, *directing the process of summons against freeholders,* upon the reports of the Council of Trade and Plantations and the Lords of the Committee. *Signed and endorsed as preceding.* 1⅛th *pp.* [*C.O.* 5, 1266. *ff.* 217, 217*v.*, 218*v.*]

July 5. Kensington. **191.** Order of King in Council. A draught of the Revenue bill for Jamaica is to be sent to the Duke of Portland, with directions, *as proposed* 21*st June and as set out,* A. P. C., III. *p.* 75. *Signed,* Robert Hales. *Endorsed,* Recd., Read 18th May, 1727. 2½ *pp.* [*C.O.* 137, 16. *ff.* 370–371*v.*; *and* (*endorsed* Recd. 2nd, Read 11th Aug., 1726) 257, 257*v.*, 258*v.*; *and* (*signed* Temple Stanyan) 137, 46. *No.* 49.]

July 5. **192.** Six Lords Commissioners for Trade and Plantations to the Duke of Newcastle. *Refer to* appointment of Alured Popple and their remonstrance (*v.* C. S. P. 19th April, 1722) "tho' we have since had reason to be satisfied with the capacity and application of Mr. Popple" *etc.* *Continue* :—Mr. Popple dying soon after, and his son being named to succeed him, Mr. Wheelock had hopes given him of being gratifyed in some other manner *etc.* *Recommend* that as a recompence for his services he be granted a patent for the office of Clerk of the Markets of St. Jago de la Vega, Kingston and Port Royal in Jamaica, "which is so inconsiderable an employment that it has never yet been granted under the Great Seal" *etc.* P.S.

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We write this as private Gentlemen, and not as Commissrs. for Trade. *Signed*, Westmoreland, T. Pelham, J. Chetwynd, M. Bladen, J. Hobart, R. Plumer. [*C.O.* 389, 37. *pp.* 260–262.]

July 5. Kensington. **193.** Order of King in Council. Confirming Act of Antigua *for cutting of the entail of lands belonging to John Vernon etc. Signed*, Robert Hales. *Endorsed*, Recd. 2nd, Read 11th Aug., 1726. 1½ *pp.* [*C.O.* 152, 15. *ff.* 280, 280*v.*, 281*v.*]

July 6. Whitehall. **194.** Council of Trade and Plantations to the Duke of Portland. *Acknowledge* letters of 2nd Aug. and 26th Jan. last. *Continue* :—We are glad to find that all things in your Island are in a state of tranquility *etc.* We have prepared the draught of a Revenue Bill, and we hear, that the same has since been approved of by H.M. in Council ; so that your Grace may now soon expect to receive H.M. directions upon this affair. We sent to your Grace, 31st March, 1724, certain queries, to which we desired your particular answers ; upon this occasion we must inform your Grace, that these were circular queries which we sent to all the Govrs. of H.M. Islands in America, in order to enable us to lay before H.M. a true state of the said Islands ; And it is now long since we have received answers from every one except your Grace : Wherefore we must desire that you will send us by the first opportunity your answer to the said queries.

As letters from the Govrs. of H.M. Plantations, as well as the papers referred to in their letters, do frequently miscarry ; your Grace is desired for the future to take notice in ye body or postscript of all your letters, by whom you send them ; and by the next conveyance constantly to send duplicates of your last letters and of the papers inclosed therein, that it may be known for the future to whose neglect the loss of letters is to be imputed. We have no regular accounts in our Office from Jamaica of the number of negroes, that have been annually imported there, either by the African Company or by the Separate Traders, since 1707, and therefore we desire your Grace will send us by the first opportunity, as perfect an account as you can get, of the negroes imported yearly since that time distinguishing those imported by the African Company from those imported by others ; and we desire that for the future a regular account of the same may be annually sent to us. *Postscript* added to duplicate, July 28th, 1726. Since the writing this letter, we have received one from your Grace without date, with the new Revenue Act, *etc.* ; and as we conceive the said Act to be contrary to H.M. Instructions to your Grace, we shall lay the same before H.M. to be repealed. [*C.O.* 138, 17. *pp.* 100–102, 104.]

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195. *Same* to Governor Worsley. *Acknowledge* letters of 20th April, 1st July, 14th Aug., 13th Sept., 1st Oct., 14th Nov., 1725, and 27th April, 1726. *Inform him* of representation of May 3 upon Act *to prevent carrying off slaves etc. Continue :*—We don't doubt, but you will shortly receive an Instruction accordingly. We have sent to the Duke of Newcastle (*v.* 11th May) extracts of your letter in relation to the people you detain upon suspicion of piracy *etc.*, upon which we suppose you will soon receive H.M. directions. *Conclude by repeating Instructions as in preceding as to correspondence and accounts of negroes.* [*C.O.* 29, 14. *pp.* 424, 425.]

July 6.
Whitehall.

196. Mr. Popple to Governor the Earl of Orkney. My Lords Commissioners have been lately inform'd that Lt. Governor Drysdale has got a licence for returning home for his health, and has already taken his passage, so that according to your Lordship's Commission and Instructions the administration of the Government will be left in the hands of the first Councillor, Colo. Jennings, who is, by reason of his old age, grown incapable of this service. *Enquires* what account he has had of this matter. [*C.O.* 5, 1365. *pp.* 294, 295.]

July 6.
Whitehall.

197. Council of Trade and Plantations to Lt. Governor Hope. *Acknowledge* letters of 20th March, 10th, 21st and 22nd Aug., 7th Oct. and 20th Nov., 1724, and 27th Jan., 22nd June and 30th Sept., 1725, together with several papers enclos'd. *Continue :*—But as some letters and papers therein referr'd to have miscarried, we desire, that for the future, you will take notice in the body or postscript of all your letters, by whom you send them, and by the next conveyance, that you constantly transmit duplicates of your last letters and of the papers enclos'd therein, that it may be known to whose neglect the loss of letters is to be imputed. We take notice, in your letter of 20th March, of what you say with respect to the Act *in addition to the Act to prevent the destruction and transportation of palmetto tops and brooms* passed 1698 and confirmed 1708, the execution whereof has been suspended for many years; upon this occasion we must observe to you, that no Governor and Council have authority to suspend the force of any Act, after once it has been pass'd, even tho' it should not have receiv'd the Royal assent. But as this law has been confirm'd, we think it a greater fault, that the execution of it has been suspended; wherefore we desire, if you have not already done it, that you would immediately put the same in execution. And if you apprehend any ill consequences may result from it, you may pass an Act for repealing this law, provided that you take care that a clause be inserted therein to suspend the execution thereof till H.M. pleasure be known. We think you have done very well in refusing to join in the petition for the

Habeas Corpus Act, and in declining to give your consent to any act which you think contrary to your Instructions. Since our Secretary's letter of 2nd April, 1724, with several objections to an Act for lessening the number of the Assembly, and registring the Acts, passed 1723, we have receiv'd several letters from you, and having considered your reasons for such an Act, we have no objection to your passing a law for that purpose, provided there be a clause suspending the execution of it till H.M. pleasure be signified concerning the same, and that it be not liable to the objections in the letter abovementioned, by which however we do not mean to lessen the salaries propos'd by the last act for the Members of the Assembly, which we hope may encourage them to attend better than they do at present. We have consider'd what you have writ in relation to the confusion caused by the repeal of the Act to *supply the deficiency of the several funds etc.* We have also consider'd the reasons you sent us for passing the same, and we think them the strongest that could have been given for sending you the instruction which you acknowledge to have receiv'd; it is because worse acts have been pass'd, that they have become common, and therefore it was thought necessary entirely to put a stop to acts that affect in any manner the British trade. We have consider'd what you say, with respect to your being at a loss how to raise money to supply the deficiencies that happen in your funds, as also your proposal for laying a duty on platt, to wch. we do not at present foresee any objection, this being the produce of the island. We hope the news you send, 21st Aug., 1724, in relation to the man of war's being taken by a pirate, is not true; we are sorry to find the seas still infested by them, but as the putting the laws in execution against these common enemies, may in some measure discourage their pernicious practices, so we hope, all H.M. Governors of the Plantations take due care in that respect. We have discours'd with Mr. Aytoune, late Collector of the Customs in Bermudas, upon the trial of the ship *Salamander*, transmitted with your letter of 20th Nov., but as we find that the sentence passed upon her in Bermuda, has been revers'd here, we have no more to add upon that subject. In your letter to our Secretary, 27th Jan., 1725, enclosing the copy of a letter from you to the Duke of Newcastle, you desire that we will accept of that letter as address'd to us, but we must observe that this is not a proper correspondence with us. You likewise refer to several papers Mr. Aytoune brought over with him in relation to the distraction the Colony of Bermuda was in; but we have not receiv'd those papers, and therefore desire for the future you would regularly send what papers are for this Board, directly to us, and not inclos'd to any other person. You likewise refer us, 30th Sept. last, to several papers said to be sent therewith in relation to the behaviour of the Provost Marshal; but as they are not come to us, it is not possible for us to form any judgment upon them. We have no regular accounts in our Office from Bermudas, of the number of negroes that have been annually imported there, either by the African Company, or by the separate traders, and therefore we desire that you will send us by the first opportunity as perfect an account as you can get, of the negroes imported yearly, distinguishing those imported by the African Company from those imported by others, for as long a space of time backwards as you can; and we desire that for the future, a regular accot. of the same may be annually sent to us. [*C.O.* 38, 8. *pp.* 32–38.]

July 6. Whitehall. **198.** Council of Trade and Plantations to the King. Propose John Daily and John White for the Council of Montserrat in place of John Cockran and Wm. Irish, decd. [*C.O.* 153, 14. *p.* 215.]

July 6. Whitehall. **199.** *Same* to the King. *Propose* Col. Carey Broadbelt for the Council of Nevis, in place of Richard Abbot, decd. [*C.O.* 153, 14. *p.* 217.]

July 6. Whitehall. **200.** *Same* to Governor Hart. *Acknowledge* letter of 6th Jan. and 20th May. *Repeat* Instructions as to correspondence and returns of negroes *given to D. of Portland, No.* 194. *Continue:* —We are surpriz'd to find by your last letter that you give so very different a character of Mr. Pym Burt from what you did 11th July, 1722. We have recommended Mr. Daily and White for the Council of Montserrat *etc.*, and referred the acts transmitted with your last letter to Mr. Fane *etc.* [*C.O.* 153, 14. *pp.* 217, 218.]

[July 6]. **201.** Proceedings of the Court of Chancery, Barbados, 13th April—6th July, 1726. 6 *pp.* [*C.O.* 33, 27. *No.* 7.]

July 7. Whitehall. **202.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report. *Signed,* Holles Newcastle. *Endorsed,* Recd. 9th, Read 28th July, 1726. 1¼ *pp.* *Enclosed,*

202. i. Petition of William McDowall of St. Christophers to the King. Notwithstanding H.M. Order of 13th Feb., 1722, Governor Hart continues to disturb petitioner in the possession of his plantation in the late French part of St. Christophers, and to plant part of it for his own use, *etc.* *Prays* to be restored *etc.* 1 *p.* [*C.O.* 152, 15. *ff.* 276–277, 279*v.*]

July 7. Kensington. **203.** H.M. Warrant granting leave of absence for one year more to John Colleton, Councillor of Barbados. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 204, 205.]

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204. Duke of Newcastle to Governor the Duke of Portland. Pursuant to what I had the honour to write, 5th March, I have now the satisfaction to acquaint you, that the draught of the bill for settling the revenue, and perpetuating the laws of Jamaica, having undergone such a thorough examination as was found necessary, in order to make it effectually answer the ends proposed by it, H.M. hath been pleased to approve it as it is now prepared, and hath commanded me to transmitt the same to your Grace *etc. Refers to following. Continues*:—" which renders it unnecessary for me to enlarge upon it, not doubting but your Grace will recommend it in the strongest terms to the Council and Assembly, and use your utmost endeavours that they may accept it in the manner it is now drawn, without making any the least addition or variation, otherwise than by filling up the blanks, or supplying what may be otherwise wanting purely in point of form. I am sensible from your Grace's last letter of 23rd Jan., and from several of your former, of the many difficulties you have met with in this affair, and of the groundless clamours and jealousies that have been raised by the people of Jamaica upon a notion (as your Grace expresses it) of their being yearly tennants for their laws : But your Grace must at the same time be sensible, how much the Government of Jamaica, and the support of it has depended upon the settling this Act in the most perfect manner, and that the reason of its depending so long, has been that the draughts, which have hitherto been transmitted from Jamaica have not been sufficient to answer the true intent of it. But now that these objections are over, I hope the Council and Assembly will readily acknowledge this instance of H.M. gracious intention to perpetuate their laws, and that your Grace will have no further trouble than the going through the forms of getting this draught pass'd into a law, and of transmitting it hither for H.M. approbation. As to what concerns your Grace in particular, I did not fail to represent to the King the great regard you paid to your Instructions in not giving your assent to the last draught prepared in Jamaica before it had been considered here by H.M. in Council, as likewise the great care you had taken to prevent any confusion or other inconveniences that might have happen'd in the Island, for want of the laws there being renew'd. I wish your Grace all good success in this affair, and everything else that may tend to make you easy in your Government, and am with great truth and respect My Lord, your Grace's most obedient humble servant. *Signed*, Holles Newcastle. *Annexed*,

204. i. Copy of *No.* 209.

204. ii. Copy of draft of Act of Jamaica for granting a Revenue and perpetuating the laws.

204. iii. Estimate of charges on the Revenue (salaries and fortifications £1250, public buildings *etc.* £1530, sub-

sistence of two independent companies and contingent charges £2,532 12*s.* 0*d.* *etc.*, officers and gunners of Charles Fort, £839 12*s.* 6*d.*), £10,000. Estimate of proposed revenue (by impost at a medium of seven years, £2,966 2*s.* 1*d.*; quit-rents, £1,460 14*s.* 3*d.*; fines, forfeitures and escheats, 487 13*s.* 3*d.*; wine licences, £200; gunpowder, £257 2*s.* 11*d.*; new impost including indico at 3*d.* and sugar at 1*s.* pr. hundred, at a moderate computation, £3,000; other duties found by experience to produce, £2,000)—£10,371 12*s.* 6*d.* [*C.O.* 324, 35. *pp.* 206–237.]

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205. Duke of Newcastle to Governor Worsley. I have lately received from you one letter of the 14th and two of the 27th April last, and with one of those of the latter date I received an examination taken by you in relation to Messrs. Hales and Hodges's petition to H.M. But as that matter was recommended to you by H.M. Order in Council, the answer should have more properly been returned to the Council Office. However, I have ordered it to be lodged there, and as to the information you send me concerning Mr. Sutton, who is complained of in the said petition, I will not fail to make a proper use of it, when that affair comes to be examined in Council. I have not as yet heard of any complaint made against you by the said Mr. Sutton, and as I dare say you will not give any just cause of complaint, you may be assured nothing of that kind will make any impression upon me to your prejudice, or that any attention will be given to it, at least without your having an opportunity to justify yourself. I have likewise received the duplicates of these and of your former dispatches with copys of the Minutes of Council, Acts of Assembly and other proceedings relating to the Government of the Island. It is a very great satisfaction to me to receive such particular informations from you, and I take this occasion to assure you, that I have not failed as any occasion offered, to represent to H.M. your great care and exactness in the course of your correspondence. Your letter of 13th Sept. last informs me, that the French pretend a right to Dominico, as well as St. Lucia, St. Vincent's and Tobago, though it does not appear, that anything has been done by them in support of those pretensions, otherwise than that some French familys are settled there. It is not the King's intention that you should in any wise give up or recede from H.M. right and title to any of the Islands, the Government whereof is granted to you by your Commission. But according to the directions I sent you by H.M. Order in my letter of 4th May, 1725, in relation to Tobago, you will act upon this occasion in the most civil and amicable manner, and agreable to the strict friendship and alliance, which at present subsists between the King and his Most Christian

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Majesty, and the mutual good correspondence, which ought likewise to be maintained between their respective subjects, which I doubt not but by your prudent conduct you will manage so as not to give any just grounds of complaint, or to enter into any disputes upon this head, where they can with a due regard to H.M. service be avoided. As to what you mention in your letter of 14th Nov. last concerning your proceeding against Julien de Lyon and Jean Bouyé as pyrates, I did, by H.M. command refer the consideration of their case to the Judge of the Admiralty, and I herewith transmit to you a copy of his report thereupon, by which you will perceive, that as the facts are stated, he is of opinion, the said persons cannot properly be tryed as pyrates, wherefore it is H.M. pleasure, that you should act in this behalf conformable to the said report. *Signed*, Holles Newcastle. *Annexed*,

205. i. H. Penrice, Judge of the Admiralty, to the Duke of Newcastle, Feb. 14, 1725. Is of opinion that Lyon and Bouyé cannot be charged with piracy or brought to trial at an Admiralty Sessions, piracy being robbery upon the sea, and they being charged with plundering a factory at Cape Lopez *etc.* *Signed*, H. Penrice. [*C.O.* 324, 35. *pp.* 239–245.]

July 7. Whitehall. **206.** Duke of Newcastle to Governor Burnett. The last letters I received from you are of the 17th and 24th Nov. last, with a copy of what you wrote at the same time to the Board of Trade by way of explanation of several acts of Assembly past in the New Jerseys, which being under the consideration of that Board, I have nothing at present to observe upon them, but will not fail, when they have passed the proper examination to do my part towards the obtaining the King's approbation of them, so far as they shall appear to be for H.M. service and advantage of those Colonys. I am sorry you have found any difficulty in what I recommended to you, 3rd June, 1725, in behalf of Mr. Walpole, or that your endeavours to do him justice in his office, should meet with any opposition on the part of the Assembly. However I am glad you have been able to obtain redress as to the greatest part of what has been complained of, and that you will continue to give your assistance in recovering what still remains due. I do not enter into the particulars of Mr. Walpole's demands, since you tell me you have wrote to him yourself, and I question not but he or his Agent will give you such further information as may be necessary upon that head. In the mean time I make no doubt but you will take all proper opportunitys to make the Assembly sensible of the reasonableness and necessity of using your authority, as H.M. Governor, to support the Patent Officers, and especially those relating so immediately to the Revenue in all their just rights and perquisites. *Signed*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 245–247.]

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207. *Same* to Lt. Governor Dummer. I have received your letters of 8th and 18th Jan.; in the former of which were inclosed copys of the conferences held with the Delegates of Indians, and of the Treaty you had thereupon concluded with them. The King is very well satisfied to find, that the endeavours you have used for the interest and security of His subjects in those parts have proved so successfull, and that the peace you have made with the several tribes of the Indians seems to be settled upon so good and lasting a foundation. The account you send me in your other letter of the General Assembly's having accepted the explanatory Charter, which I some time since transmitted to you, is no less acceptable to H.M., who was very well pleased with the loyal and dutifull expressions contained in the Address, which was at the same time delivered to me by your brother. The assurances they have therein given of complying with the terms of that Charter, and of manifesting their duty and affection to H.M. person and Government in other respects, will undoubtedly engage H.M. to do everything that may be expected on his part for their ease and benefit, which you will take the first proper oppertunity to acquaint them with. I have nothing farther at present in command from H.M., but to recommend it to you to continue the same zeal and vigilance, which you have hitherto shown for H.M. service and the good of the Province, so long as the Government thereof shall remain under your care. *Signed*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 247–249.]

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208. *Same* to Governor Hart. It has been represented here in behalf of Lt. Gen. Matthew, that his residing at St. Christophers, which, in compliance with your orders, he is at present obliged to do, is a great prejudice to him in his private affairs, being thereby debarred the liberty of residing in Antegoa for the improvement of his plantation there, which is the greatest part of his fortune, and that by being confined to one island, he has not the liberty to exercise the powers granted to him by his commission of Lt. Genl. of all the Leeward Charibbee Islands: You are certainly the best Judge how far it may be necessary for H.M. service, that an officer under you should reside in one Island rather than another, neither is it my intention, by writing to you on this head, to abridge you of any power or authority, which belongs to you as H.M. Governor and Capt. Genl. of the Leeward Islands. But as you reside yourself at present at St. Christophers, it does not seem necessary, that Col. Matthew should be there at the same time; and therefore I would recommend it to you to make this matter easy to one another, so that he may be permitted to go from one island to another according as his occasions may require and according to what has been usually practised by the Lieut. Genl. of the Leeward Islands, still reserving to

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yourself the power of commanding him to repair to St. Christophers or any of the other islands, whenever H.M. service shall require it. *Signed*, Holles Newcastle. [*C.O.* 324, 35. *pp*. 249, 250.]

July 7. Kensington. **209.** The King to Governor the Duke of Portland. Right trusty and right entirely beloved Cousin, We greet you well. Whereas you did some time since transmit hither for Our consideration the draught of a bill *for granting a Revenue etc.*, and the same appearing upon a thorough examination not sufficiently to answer the purposes intended thereby, the Lords of the Committee of the Privy Council, to whom We were pleased to refer the consideration thereof, caused a new draught to be prepared, in the framing whereof they received the several opinions of Our Commrs. of Our Treasury, Our Commrs. for Trade and Plantations, and Our Attorney and Solicitor General, in order to remove the several objections to which the former draught was liable; which said new draught having been presented to Us in Our Privy Council, We have taken the same into Our most serious consideration, and judging that the same will, in the manner it is now prepared most effectually conduce to the welfare security and good Government of Our Island of Jamaica, We have caused the sd. draught to be herewith sent to you, which you are forthwith to recommend to Our Council and Assembly of Our sd. Island in order to it's being past into a law, and transmitted to Us for Our Royal approbation; and in the passing thereof We do expressly command and require you to take all due care, that proper funds be inserted in the Bill for raising the additional £2,000 for the maintenance of the two Independant Companys in Our sd. Island, and that the same may prove the more effectual, that such branches of the Revenue raised in Our sd. Island by annual Acts for contingent services as have been found by experience to answer the sums for which they were given, may be appropriated in this Act towards raising the sum of £10,000 per ann. for a perpetual revenue for Us, and We do further expressly command and require you to recommend the sd. draught of a bill with the sd. necessary additions concerning the funds, to Our sd. Council and Assembly, as the terms which we expect from them in return to Our gracious condescension, in confirmation of their laws, and in departing from Our patrimonial revenue in Our sd. Island for their welfare and defence etc. *Countersigned*, Holles Newcastle. *Endorsed*, Recd., Read May 24, 1727. 2½ *pp*. [*C.O.* 137, 16. *ff*. 372–373*v*.]

July 8. Boston, New England. **210.** Memorial of the Lt. Governor and Council of the Massachusetts Bay to the King. Your Majesty's Lt. Governor did on 28th June last communicate to the Council certain intelligence of a pirate scooner on this coast, which he received from some who escaped in a snow, that had been some weeks in their possession; upon which your Majesty's Council immediately gave their advice, that a sloop should be forthwith at the charge of this Government taken up equip'd and man'd, with about 40 men, and suitable officers, and a bounty given to such as should enlist to proceed in quest of the said pirate; in pursuance whereof a sloop was accordingly taken up, and at six o'clock the next morning the encouragement for enlisting was publish'd by beat of drum; after which, about noon, your Majesties Lt. Governor received a letter from Capt. James Cornwall Commander of your Majesties ship *Sheerness*, importing his readiness to go in quest of the said pirate, and that in case he might be supplied with thirty or forty seamen, he hoped to be at sea in eight and forty hours at furthest *etc.* The Council thought it not advisable that an impress of men should be made at that time; this Government being under great discouragements from supplying the said Commander with seamen, since he presumed in August last, at one time to dispose of twenty men for the service of a merchant ship bound out from a neighbouring Province; and the occasions of the Government being answered by a cheerful and ready appearance of voluntiers upon the bounty offer'd for that service: which sloop was judged most suitable for the design, she being just ready to sail, and most capable of following the pirate, in case he should stand into shoal water, and the pirate vessel having then no more than ten men, six whereof were pirates; the said sloop was the next morning hawl'd off into the road, in order to proceed with the utmost expedition *etc.*; but she was stopt and brought to anchor by your Majesties said ship *Sheerness* then riding within musket shot of the town of Boston, being threatened, if she did not bring to immediately they would fire upon her, notwithstanding the officer aboard the sloop gave them an account, that the sloop was sent out by this your Majesties Government in quest of the pirates; of which Capt. Cornwall could not be ignorant having been informed thereof, the evening before by the Lt. Governor, as a reason why an impress of men was not granted; and afterwards when the said sloop by fresh orders from the Lt. Governor was brought to sail, Capt. Cornwall fired several shot at her, two of which went thro' her sails, and an officer of the said sloop was in great danger of being killed. Which proceedings not only delayed, but tended wholly to frustrate the good design of this your Majesties Government for the speedy suppressing the said pirates before their number should increase, and to expose the lives and estates of your Majesties good subjects not only of this Province, but of Great Britain also, to the rapine, and violence of those common enemies of mankind. Which behaviour of Capt. Cornwall we humbly hope your Majesty will look upon as a great insult on this your

Majesties Government, and a manifest obstruction to your Majesties service; and that your Majesty will be graciously pleased to express your Royal displeasure thereat *etc.* And we further beg leave humbly to observe, that the management of the said Capt. Cornwall has been such, as is very far from answering your Majesties gracious intentions in sending your ships of war to this Province; for altho' it be near two years since his first coming hither; your Majesties said ship has lain still in this port of Boston during the whole time, except a voyage of about three months to Barbados and Tertuga and the said Commander has performed no other service, save his manning two sloops with about fifty men, taken up by this Government for an expedition against the Indians, for about the space of seven weeks; and while at Tortuga, he was so far from encouraging the merchant ships under his convoy, that he sequestred and engross'd a great quantity of salt to his own use, to the great damage and discouragement of the Trade; so that the merchant ships who used to desire the Station ship here for their convoy, chose to let their vessels go without a guardship, rather than be subjected to the impositions of the said Captain Cornwall. For all which reasons we fear, that the further continuance of the said Captain Cornwall on this Station will be no ways for your Majesties service, or the protection of this Province and the trade thereof. *Pray for* recall of Capt. Cornwall, and that such Instructions may be given to H.M. Governors as may enable them to direct the imployment of H.M. ships of war stationed there, in such manner as may be most for H.M. service and the interest of the Province *etc.* *Signed*, by order, Josiah Willard, *Secretary*. *Endorsed*, Rd. Sept. 12th. 1 *large p.* [*C.O.* 5, 10. *No.* 183.]

July 8. Whitehall. **211.** Mr. Popple to Mr. Fane. Requests his opinion in point of law, upon enclosed proceedings upon the trial of the sloop *William* at Bermuda, *v.* 30th Sept., 1725, and asks for return of the original document enclosed. [*C.O.* 38, 8. *p.* 39.]

July 8. Whitehall. **212.** *Same* to *Same*. Encloses, for his opinion in point of law, 3 Acts of Antigua, 2 of Nevis, 4 of St. Kitts and 2 of Montserrat. [*C.O.* 153, 14. *pp.* 219–222.]

[July 8]. **213.** Petition of William Mathew to the King. Petitioner was appointed Lt. General of the Leeward Islands and Lt. Governor of St. Christophers in 1714. He laid out and completed the fortifications of that island and reorganised the Militia *etc.* Governor Hart commended his services, but chosing that island for his residence about two years past, thought it most for H.M. service that petitioner should reside at Antigua, the chief island of that Government. Whereupon petitioner farmed out his estates in St. Christophers, and removed with his family to Antigua, and hoped he might have been permitted some leisure to attend the improvement of his plantations there, which is the greatest part of his fortune *etc.* Governor Hart having lately conceived a causeless displeasure against him, hath lately attempted to deprive him of the honour of Lt. General *etc.*, and to that end on Oct. 2nd last sent him a peremptory order in your Majesty's name to repair to St. Christophers as Lt. Governour. Petitioner remonstrated to him the unusual form of such an order as seeming intended to confine him to St. Christopher as Lt. Governour thereof, and that his removal would prejudice him to the value of £500, however he would pay obedience thereto. He imbarked next day and arrived 5 days only after the date of said order, and instantly being much fatigued, sent a letter to H.E. by his aid de camp, desiring to receive what commands he had for H.M. Lt. General of the Leeward Islands. H. E. sent a verbal answer requiring him to attend a Council on Saturday. There petitioner asked H. E. what business he had for him and said he was ready to obey *etc.* H. E. construed the said letter and question as disputing the orders of his superior and gave no other answer thereto than severe reprehensions and that he took it to be the Lt. Governour's duty to reside at St. Christopher's till further orders and ordered said letter and answer to be entered in the Council book *etc.* At the next meeting petitioner laid before H. E. a representation, explaining his meaning and in humble manner supporting the office of Lt. General *etc.*, which H. E. refused to permit to be entered in the proceedings of the Councill, or to give any answer thereto. On the 19th he sent petitioner notice by letter that he was that day imbarquing for Antigua, which he acquainted petitioner with that he might take charge of the Government of that island as usual. The Captain General being returned to St. Christophers, at a Council held there 3rd Jan., opened the meeting with calling your Majesty's petitioner to account for not having been to visit him, telling your Majesty's petitioner in reproachfull words not used between Gentlemen and with a behaviour not fit to be used towards whom your Majesty has been pleased to honour with the second station in the Government, that he would make petitioner do his duty (without charging him with any other instance of his neglecting it), and threatned him with his resentments in very severe expressions. All which petitioner bore with all possible patience, and told Mr. Hart that he had suffered by his absence from Antego not less than £500 on his plantation, and desired leave to return for six weeks, otherwise his losses would increase to more than he could well bear. The Captain General answered that if he had his leave to go thither, he should not as Lt. General of the Leeward Islands act in any civil capacity on that island. Petitioner might (he said contemptuously) if a member was

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wanting to make a Board of Councell, sitt there or view the Militia, and on petitioner's saying that if on his arrival at Antigua he should find that the Lt. Governour there should doubt the authority given to your petitioner by your Majesty, he should appeal to your Majesty, he was pleased to answer no, he would determine it. Petitioner at length told him, that since he should not be permitted in the execution of his post as hitherto, he would on your Majesty's leave (which he then laid before H. E.) go to Antigua by the first opportunity, settle his affairs there and by the first ship embark for Europe. The Captain General read said lycence and with rancour said that if petitioner went on that leave without his too under his hand and seal he would suspend him, and that he should not go to Antigua to settle his affairs and embark thence, but should if at all embark directly from St. Christophers for England. H. E. by thus calling and confining petitioner to St. Christophers attempted to depreciate, if not destroy H.M. Commission to him as Lt. General. Petitioner is thereby deprived of the power of doing the duty of that office in any other island, and whilst the Captain General and Lt. General are both in the same island as at present, the latter is divested of all authority *etc.* By obeying H.E.'s said orders, petitioner will be ruined, and by disobedience he is in danger of being reduced to more grevious distress through your Majesty's displeasure *etc.* *Prays* for H.M. protection and directions and that the Lt. General's Commission may be explained. *Endorsed*, a letter wrote upon it to Govr. Hart, July 8th, 1726. 4½ *pp.* [*C.O.* 152, 40. *No.* 18.]

July 9.
Cleifden.

214. Governor the Earl of Orkney to Mr. Popple. *Reply to July 6th.* *Continues:* That Major Drysdale had gott a licence for returning home for his health *etc.*, I don't doubt their Lops. knew of, since I ordered Mr. Lehup to apply to the proper offices where that leave was to be obtained, and as I was very well apprised, that in case of absence of the Lieut. Governor, that the first Councelour was to act, yet being informed that Coll. Jennings was by his old age turned perfectly dos'd and childish, it fell a course to the next in rank, who I am told is very capable (his name I think is Coll. Carter) which I hope is the oppinion of the Lords. Commissioners, and that Mr. Lehup has acquainted them of all this affaire, which I had not fealed to do my self, had I been in any condition of health when that happen'd, but was confined to my bed. It is about two months ago since I had the account of the Lieut. Governour's state of health, and since that I have heard from him, that he did not think of leaveing that place, till he had called an assembly and setled everything which he hoped would be to their Losps. and evry bodys approbation, and that he was convinced there was a very great harmony amongst them, and that he did not doubt to find it so at his returne, so that I fancy their Losps. must be missinform'd, when they think he has already left Virginia, for I don't find the Assembly was to meet, till the midle of this month *etc.* I am now laid up with a fitt of the gout, else I had waited of their Losps. *Signed,* Orkney. *Endorsed,* Recd. 9th, Read 14th July, 1726. *Holograph.* 1¾ *pp.* [*C.O.* 5, 1320. *ff.* 27, 27*v.*, 28*v.*]

July 10.
Virga.

215. Lt. Governor Drysdale to the Council of Trade and Plantations. The generall Assembly which began the 12th of last May being now prorogued, *encloses* journals and acts of the session *etc.* *Continues* :—The constant expence arising from the reparations of the Capitoll, the annuall salaries of officers establish'd by the Genll. Assembly, and the paymt. for negroes convicted of capitall offences (all which are by former laws appointed to bee defray'd in money) made itt absolutely necessary to establish a fund for those charges, and no other could bee found out so proper as a duty on liquors, put in practise on many former occasions, and particularly recommended by H.M. instructions as the most suitable means for lessening the levy pr. poll; for these purposes an Act *for laying a duty on liquors* is now passed, by which 3*d.* pr. gallon is laid on all wine, rumm and distilled spirits, and 1*d.* pr. gallon on all ale, beer, and cyder imported here, except from Great Brittain, which duty is to have continuance for the term of five years: By the same Act a further duty of 1*d.* pr. gallon on wine, rumm, and other distilled liquors is laid for 21 years for raising 200*ll.* pr. annum for enabling the Colledge of Wm. and Mary to found its full number of Masters, which the uncertain revenue of that Colledge, and the various accidents attending it, has hitherto obstructed: I could not but bee greatly concerned to see a work begun with so much piety, so little advanc'd in the space of thirty years time, and therefore thought it my duty earnestly to recommend to this Assembly the making provision for itts support, and I have the pleasure to find their benevolence to exceed my expectations, and I hope the regard to the memory of the Royall Founders King William and Queen Mary, and the great advantages which the youth of these Colonies may receive by perfecting this seminary of learning and religion, will bee a sufficient recommendation of this Act, and silence all endeavours to deprive the Government of the necessary support provided for in the first part thereof, or the Colledge in that of the latter, especially since care is taken herein to remove the onely exception that could have been made to the former Acts, by putting all the traders in liquors upon an equal footing, whereas in the former impositions liquors imported in vessells owned by the inhabitants of Virga. were onely liable to the paymt. of half

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duties. The Act *appointing a Treasurer* being no more than what is usuall upon the raising any new duty, and passed in the common form, needs no remark. Many have been the attempts to repeal or amend the laws made in 1706 concerning the levying of executions for debt; ev'ry session of Assembly since that time has produced greiveous complaints of the many scandalous abuses committed in the valuation of goods taken in execution, yet the repealing of laws which gave debtors so great an advantage over their creditors being very unpopular, no House of Burgesses till now would listen to any proposalls made for that purpose: But the Act intituled an Act *to repeal the Act directing the manner of levying executions, and for releife of poor prisoners for debt etc.* has effectually remidied the inconveniences heretofore complain'd of, and established so equall a measure of Justice between creditors and debtors that it may truly be reckned one of the best laws, and most conformable to the practise of England of any this country enjoys. The Act *for amending the Act concerning servants and slaves, and for further preventing the clandestine transportation of persons out of this Colony,* is the same with that passed in 1722, except in that part which related to the better goverment of convicts imported, which gave occasion to the repealing that act, and is entirely left out of this: and there being now nothing contain'd in this, but some necessary regulations for the due ordering of servants and slaves, and an additionall provision for preventing the transportation of debtors and servants out of the Colony, I doubt not it will meritt your Ldspps. approbation. The Act passed in 1723 *for security and defence of the country in times of danger,* and another in 1718 *for ascertaining the fees of the Secretary etc.* being expired, and the further continuing of these, is the subject of the Act for reviving and continuing two Acts therein mentioned, the first for 2 years, and the latter till the end of the next session of Assembly, and that your Ldspps. may be the better inform'd of the reason why the latter is to have itts continuance for so short a time, it is because the Assembly intend att the next session to frame a new table of fees more proportioned to the services of the respective officers, and to establish new fees in other cases, where former laws have made no provision: and this being a matter requiring much consideration, they thought fit to make itt the work of another session. Ever since 1679 the importation of tobacco from North Carolina has been prohibited by law, and when the whole body of the laws of this Colony were revised and re-enacted the same prohibition was continued by a new act which was perused and approved by your Ldspps. board, but that act being doubtfully penn'd and seeming onely to restrain an importation by water (as in truth there could bee noe other at that time, when the fronteeres of both Govermts. were so little seated and no roads to render land carriage practicable) and the mischeife increasing greatly within these few years by the number of people that have seated as well within ye bounds of controversy between the two Govermts. as on the Northern fronteeres of Carolina, it has been judg'd necessary to putt a stop to that practise, by the Act passed this session, *for the more effectual preventing the bringing tobacco from North Carolina and the bounds in controversy:* the reason of which is sett forth in the preamble, that the people of Carolina and of those boundaries being under no regulation in the manner of making and packing their tobacco doe by the importation of trash greatly injure the reputation of the Virga. manufacture, and it is hop'd this prohibition will facilitate the determination of the controverted boundaries, and bring the people seated there more easily to submitt to the Govermt. of this Colony: since by a proviso in this act they are to bee no longer restrain'd, than till ye limitts of the two Govermts. be determined. The Act *to prevent the setting of hedges into rivers and creeks, and the falling of trees therein* being onely supplementary to some former laws for preserving the navigation and making the heads of the rivers more convenient for trade, is a law which carries in itt so much of publick benefitt, that I need offer nothing more to recomend itt. The last Act of a publick nature is that *for raising a publick levy,* and being what passes of course every session for defraying the publick tobacco debts, I shall onely remark thereon, how much the former duties have eased the levy pr. poll, when eleven pounds of tobacco on ev'ry tithable discharges the whole publick expence for three years last past, the greatest part of which has arisen by the rewards given for killing of wolves in the fronteer counties, and is so usefull an expence, that ye inland parts are by itt entirely freed from those destructive animalls *etc.* There are six other acts of a private nature, wch. I shall but just mention, since there is but one of them that comes within the direction of H.M. late instruction concerning private bills: (i) The Act *for ordring a Court house in Spotsilvania county,* was made upon the petition of divers of the inhabitants for leave to build a Court house at a more convenient place in that county by subscription, without laying any further burthen on any but such as that become voluntary contributors thereto. (ii) The Act *for dividing St. Paul's parish in Hannover county* is also made upon the petition of the people, who have lately seated that fronteer, and were too remote from the parish church, and too numerous for the cure of one Minister. (iii) The Act *for settling new ferries over* Rappahannock Northanna and Appamatock rivers is such a publick conveniency as must frequently bee provided for as the country encreases. (iv) The Act *to make the Secretary of Virga. for the time being a person capable in law to take and hold certain lands therein mentioned,*

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and to make leases thereof, was necessary to vest the property of certain lands appropriated by the first Company of Adventurers to this Colony on the place of Secretary, but has hitherto proved of little use for want of a legal capacity to recover his rents, and prevent the wastes that have been made thereon by severall of the tenants: This Act being in favour of one of the principal officers of the Govermt. who holds his place by H.M. immediate commission, I hope it will meet with no objection att yr. Ldspps. board. (v) The Act *to prevent swine running att large within the limitts of Gloster town*, was prepared upon the petition of the inhabitants of that place, and is on the same reason with other laws of the like nature passed in former sessions *etc.* (vi) An Act *to confirm the title of Richd. Randolph to certain entailed lands and to settle other lands of greater value and two negroe slaves to the same uses*, has passed in all the formes required by H.M. instructions, and is not to take effect, untill H.M. approbation bee obtain'd, for which suitable application will bee made to your Lordshipps *etc. Continues:*—I have transmitted the Address of the Council and Burgesses, 2nd June, to the Earl of Orkney to bee presented to H.M., and since part of that Address contains a supplication for H.M. bounty to the Colledge, the Burgesses who seem to have that matter most at heart, have by a vote of their House appointed the Revd. Mr. James Blair President of the Colledge to sollicite the same, he will attend your Ldpps., and I humbly begg leave to recomend him to your favour and interest so far as he may have occasion in this negotiation. *Refers to* the representation upon the manner of giving judgement upon an appeal to the Privy Council (*v.* July 12), which he has transmitted, but will concern himself no further therein, as he must presume that the Committee would not have given a judgment not exactly conformable to law *etc. Continues:*—As the state of my health was such at the begining of the session as determined mee to seek the recovery of itt by a voyage to England, I have the pleasure to find the affections of the people towards mee on that occasion expressed in a very particular manner both in the Address to H.M., and in those of the Councell and Burgesses to myself, but having since found great benefitt from a doctor I have lately mett with, who gives mee hopes of a perfect cure, I have now resolved to remain here, tho' I had some months agoe desired my freinds to make application for H.M. leave to return home, and I am the more confirm'd in this resolution from a late rumour of a war like to break out with Spain, and I could not in such an event desert the post H.M. has been pleased to honour mee with, whatever may bee my fate in itt; being in hope that if any attempt should bee made on this Colony by the enemy, I shall bee better able to doe H.M. service than anyone in whose hands the administration could be left during my absence, and I should not doubt being vigorously assisted therein by a people who express so great a satisfaction in my conduct *etc.* *Encloses* Minutes of Council since 5th May, 1725. *Continues*:—In the journall of the 10th and 12th of June, 1725, your Ldspps. will observe the necessity of my interposing to remove two scandalous Ministers, whose ill lives had given just offence to their parishes: there being no other judicature to which application could bee made for that purpose, since the Bishop of London's Comissary had not then received his comission *etc.*, but as the consciousness of their guilt induced them to a voluntary submission to depart the Colony, I had the good fortune to gett rid of them to the satisfaction of their parishoners, and without entring into that disputed point of ecclesiastical jurisdiction which is claim'd by the Bishop of London, and by the Genll. Court of this country, and is very fitt to bee setled one way or other, whenever your Ldspps. more weighty affairs shall permit *etc.* In the journall of 22nd April last your Ldspps. will find that on expectation of your Ldspps. resolution on the report of the Attorney and Sollicitor Genll. concerning the grants of lands in the counties of Brunswick and Spotsilvania: the Councell have advised that the officers of the revenue doe not demand the quit rents for the large tracts held there, til H.M. pleasure bee signified; wch. occasions my renewing my applications to your Ldspps. for expediting what orders shall be thought necessary *etc.* The great quantities of land wch. your Ldspps. will find petitioned for, 5th Nov. and 4th June last, are indications of the prosperous condition of the country, and how much H.M. revenue of quit rents is like to increase thereby. I cannot but with regret mention the proceedings of the 24th and 25th of June which relate to the suspension of Coll. Jennings from being President of the Councell: for tho' I must own his long indisposition of body and mind has made itt very unsafe to trust the administration of the Government in the hands of a person under so great an incapacity to preside here, either in case of my death or absence; yet had I then received the encouragemt. I have since had to hope for the recovery of my health, I should not have been perswaded to remove from the Presidentshipp and Councell one who has served so long in those stations, nor added this to his other afflictions which are very great: both from the infirmities of his body and mind, and the low condition of his estate, thro' the great debts in which he is involved: his distemper is a palsey, which seized him two years agoe, and has quite deprived him of his memory and understanding: the dayly expectation I had of his death made mee negligent in informing your Ldspps. of his condition, but now I find he may languish many years in a sort of a still life, I grew determined thro' his incapacity not to suffer the reins of Govermt. to drop into his hands, as it must have done, as

President, upon my dying or leaving the country, so I ventured on his suspension : but since I am now in so fair a way of recovery, as to leave little apprehension of the Govermts. devolving upon him, I should be glad to know your Ldspps. sentiments about him, whether your Ldspps. will command mee to restore him, or allow mee to name another person to his place. *Refers to enclosures.* By which your Ldspps. will perceive the thriving condition of the revenues, and I doubt not the export of tobacco for the current half year, will furnish bank for the support of ye Goverment. *Refers to enclosures to the Secretary.* By which your Ldspps. will plainly discover the vast increase of tithables since the last return of the like form *etc. Signed,* Hugh Drysdale. *Endorsed,* Recd. 9th, Read 14th Sept., 1726. *Holograph.* 19 *pp. Enclosed,*

215. i. Account of H.M. Revenue of Quit-rents, 25th April, 1725-1726. *Totals :—Receipts* (including balance brought forward of £6,213 16*s.* 3½*d.*) £8,983 19*s.* 11¾*d. Expenditure :*—£1,823 17*s.* 5¼*d. Signed and sworn to in Council,* John Grymes, Recr. Genll. *Audited by* Nathl. Harrison, Depty. Auditor. 4 *pp.*

215. ii. Account of H.M. Revenue of 2*s.* pr. hhd., 25th Oct., 1725—25th April, 1726. *Totals :—Receipts* (including balance brought forward of £3,217 1*s.* 6*d.*) £4,615 7*s.* 4¾*d. Expenditure :*—£1,693 3*s.* 6¾*d. Signed, etc. as preceding.* 2 *pp.* Nos. i and ii *endorsed as covering letter.*

215. iii. Account of births and burials in Virginia, 15th April, 1725–1726. By parishes. *Totals :—Births,* males, 1174, females, 1137 ; male slaves, 607, female slaves, 677. *Burials,* males, 476, females, 458 ; male slaves, 268, female slaves, 317. *Same endorsement.* 1 *large folded p.*

215. iv. (*a*) Speech of Lt. Governor Drysdale to the Council and House of Burgesses of Virginia. Recommends to them the support of the College and announces return to England for his health. (*b*) Address of the Council of Virginia to the Lt. Governor. Acknowledge his disinterested zeal for the public benefit *etc.* (*c*) Address of the House of Burgesses to the Lt. Governor. The present tranquility of the country is due to his prudence and moderation *etc.* (*d*) Address of the Council and Burgesses of Virginia to the King. *Congratulate* H.M. on his safe arrival *etc.* Your wonderful escape from the dangers of the deep was a matter of the greatest joy imaginable throughout this Dominion *etc.* Taking notice of the present distressed state of the College of William and Mary *etc.*, and of many accidents and misfortunes which have concurred to delay the progress thereof, and knowing of how

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great moment the promoting this charitable, and pious design is to us and our posterity, we have agreed to lay a duty on liquors imported and to appropriate £200 per annum to the support of this College *etc.* and hope that your Majty. will after the example of their late Majtys. King Wm. and Queen Mary, of your royal bounty contribute your farther assistance *etc.* *Testify* to Lt. Governor Drysdale's just and mild administration *etc.*, and will esteem his speedy return a great happiness *etc.* (*e*) Address of the Council and Burgesses to the King. Protest against judgment on appeal in case of Perry *v.* Randolph. *Copy of* July 12, *q.v.* *The whole endorsed as covering letter. Copies.* *7 large pp.*

215. v. Copies of Proclamations by Lt. Governor Drysdale. (i) 10th June, 1725, proroguing the Assembly to 18th Nov. (ii) 10th June, 1725, offering £20 reward each for the apprehension of Henry Irby, John Dennet and Palister Bowles who have broke gaol and fled justice from Charles City, and (iii) 19th Oct., 1725, proroguing the Assembly to 12th May. *Signed,* Hugh Drysdale. *Same endorsement.* 3 *pp.* [*C.O.* 5, 1320. *ff.* 60–72*v.*, 73*v*–81*v.*, *and* (*duplicate of No.* v *only*) 5, 1343. *No.* 2.]

July 12.
Wmsburgh in Virga.

216. Lt. Governor Drysdale to the [*Duke of Newcastle*]. *Encloses* journals and acts and other public papers of the late session. *Continues* :—It is not without a very great concern that I am oblig'd to transmit to your Grace the inclosed representation from the Generall Assembly : I very unwillingly engaged myself in the conveyance of itt, and shall offer nothing to recommend itt : and had itt not been directed by the Royal Instruction, that all applications to the Throne from the Plantations, shall pass thro' the hands of their Governours, I should have left this to bee presented to H.M. by another way. This Assembly has likewise address'd H.M. on his happy deliverance from the dangers of his late passage in his return to Great Brittain ; a copy of wch. address is herein inclosed : The originall I have as usuall sent to bee presented by the Earl of Orkney : It also contains an humble supplication for H.M. Royall bounty to the Colledge founded here by King Willm. and Queen Mary of immortall memory : and I doubt not the Reverend Mr. Blair President of that Colledge (who is desired by the Assembly to sollicite that bounty, and who will have the honour to wait on your Grace) will find how great happyness it is to that good work, that so great a patron of learning as your Grace, is intrusted by H.M. with the care and protection of these Plantations : I shall not trouble your Grace with any other remark on the Assemblies kind expressions in my favour contain'd in the address to H.M., and in their particular addresses to myself, which wait on your Grace with the other papers, than that as I had no hand in the contrivance of either, so they were prepared att a time, when the ill state of my health gave both them and mee little hope of my further services to the country: and on that account I have the pleasure to think their affections the more sincere. I have since very unexpectedly soe far recovered my health as to determine my stay, whereby I hope to improve these good dispositions in the people to the advantage of H.M. service *etc.* *Signed*, Hugh Drysdale. *Endorsed*, Rd. Sept. 12. *Holograph.* 4 *pp.* *Enclosed*,

216. i. Address of the Council and Assembly of Virginia to the King. Some years agoe in the general Court of this Colony, Sarah Perry, widow and executive of Richard Perry and Sarah Perry, Micajah Perry and Philip Perry, merchants of London and executors of Micajah Perry, sued Mary Randolph widow, William and Thomas Randolph, executors of William Randolph, for payment of a debt of £2463 1*s.* 8*d.* Judgment was given for defendants, it being found that apart from sums charged for interest and interest upon interest, there was actually a balance due to defendants. Plaintiffs appealed, and this judgment was reversed, after the Lords of the Council for hearing appeals from the Plantations had referred the accounts to four merchants in London, three of whom reported that the items of interest and insurance were fair and just and agreable to what is always charged and allowed in accounts of this nature by the constant usage of merchants trading to the Plantations *etc.* Now may it please your Majesty, we *etc.* reflecting on the consequences which a precedent of this nature on the trade and properties of your Majesty's subjects of this Colony, do most humbly begg leave to represent that no such custom or usage hath ever hitherto prevailed or been allowed among the merchants trading to this Colony whereby interest or interest upon interest hath been or can be recovered upon open running accounts, but that in actions at the Common Law no plaintiff hath any other allowance of interest but such as a Jury shall think fitt to assess in damages, who by the laws and customes of England (to which our proceedings here do as near as can be conform) are the only proper judges thereof, and after a jury hath found the verdict against the plaintiff upon the poynt of damages we humbly apprehend such plaintiff is concluded by it and can have no judgment to recover without a new trial and a verdict for him *etc.*

The judgment of the General Court here in this case being by your Majesty's authority reversed, and in consequence the verdict of the jury sett aside, the matter of the plea upon which that trial was had remains undetermined and there being several other pleas upon which issues were tendered in that suit and not tried, it doth appear by the record in the said action that a judgment is entred against the defendants without any trial *etc.* Altho' in the case aforesaid three merchants in London have delivered their opinion that the demand of the plaintiffs was just and reasonable yet no such method of examining the judgments of your General Court given according to the rules of the Common Law hath ever hitherto been allowed or established. But your Majesty's subjects in this Colony have always without interruption had and enjoyed the benefits of a legal tryal by jurys in all actions at the Common Law. And we do with all humility represent to your Majesty that if in the like cases coming before your Majesty in your Privy Councill by appeal the reports of merchants who are under no obligation of an oath and are ever inclined to favour one another be admitted to overrule the verdicts of legal juries, your Majesty's subjects here will be liable to whatever charges and impositions their factors and correspondents in Great Britain think fitt to load them with to the great discouragement of their trade and industry. Wherefore we do most earnestly beseech your Majesty to establish for the future such a regular course for examining and reforming the judgments given in your Supreme Court here that your subjects of this Dominion may still enjoy the benefit of trial according to the laws and customs of England under which this Colony was happily planted and which they account one of their most valuable privileges *etc.* *Signed*, on behalf of the Council, Robert Carter, *and* John Holloway, Speaker of the House of Burgesses. *Parchment.* 1 *large p.* [*C.O.* 5, 1337. *Nos.* 29, 35.]

July 14. Jamaica. **217.** Mr. Ayscough, Commander in Chief and President of the Council, at Jamaica, to the Council of Trade and Plantations. I think it my duty to embrace the first opportunity of acquainting your Lordships with the melancholy news of the death of his late Grace the Duke of Portland who departed this life on the 4th instant after six days sickness; And as by H.M. Commission and instructions to his Grace, the administration of publick affairs here devolved upon me, so I immediately took all possible care for the security of this Government *etc.* *Refers* *to enclosed* Address, the original of which is sent to the Duke of Newcastle, to be laid before *H.M. Continues:*—I do in the humblest manner beseech your Lordships' countenance to it *etc.* I am encouraged the more to ask this favour to our country from your Lordships' extensive goodness and unwearied endeavours on all occasions for promoting those things which may tend to the prosperity and advantage of this Colony, which justly entitles you to be stiled the Patrons of it. The multiplicity of publick affairs has prevented me hitherto from narrowly inspecting into the several Articles of H.M. Instructions, wherein I am commanded to correspond with your Lordships, but I shall without loss of time apply myself with great vigilance, and discharge my duty therein *etc. Concludes:*—By the last advices we had from Cartagena, Admiral Hosier, with his squadron, was upon that coast *etc.* P.S. The Dutchess and family are to imbarque in a few days for Great Britain *etc.* P.S. *July 18th.* Two days ago arrived an express from Admiral Hosier who lies at the Bastamentas with his squadron: He has taken our South Sea ship out of the harbour of Portobell, and gott money for all the goods that were on board, and has given the Spanish Governour to understand that the galleons are not to stir from thence till he has further orders from our Court. By intercepted letters from Cuba to Cartagena and Portobell we have account of many privateers fitting out to cruize upon the coast of this Island, which will render our Navigation very precarious while the Admiral lies on the coast with his squadron. *Signed*, J. Ayscough. *Endorsed*, Recd. 17th, Read 19th Oct., 1726. *Marked*, "triplicate." 2½ *pp. Enclosed*,

217. i. Address of the President and Council of Jamaica to the King. 11th July, 1726. *Announce* death of the Duke, and *assure* H.M. of their "utmost vigilance in the care of this your Island, until your Royal pleasure shall be further signifyed thereupon." *Continue:* This so solemn occasion naturally fills our minds with the most serious reflections on the state and condition of this Island which never can be unaccompanyed with the deepest sense of our duty to your Majesty from the many instances we have had of your gracious favour and goodness; The late terrible hurrycane still lies heavy upon us, we feel it's sad effects in a fatal manner, aggravated by the immediate hand of God upon us, by a long and excessive drought, severe and pinching for the present, and dreadfull in it's consequences. The noise of warr alarms us with the apprehension of more variety of misfortunes, but from which your Majesties extensive care, by sending a strong squadron of ships into these parts, does not only releive us in a great

measure, but is a further pledge of assurance to us, that whatever human aid can give, we shall receive from your Majesty. Such considerations embolden us to lay before your Majesty our humble thoughts concerning an Instruction, your Majesty was pleased to give to his late Grace, whereby a former Instruction against taking of presents was suspended *etc.* Permitt us, Great and Gracious Sir, to inform your Majesty, that the inconveniencies which may arise from the admission of such presents may be very great *etc.* *They made* provision for such an additional salary to the Duke as they felt was intended by that Instruction. *But they now pray* to be relieved from such a burden, since it may be fatal to the Island from the inordinate passions and griping tempers it may by this means be made liable to *etc.* *Signed*, Jos. Maxwell, Cl. Concil. *Endorsed*, Recd. 16th Sept., 1726. 1 *large p.* [*C.O.* 137, 16. *ff.* 272, 272*v.*, 273*v.*–274*v.*; *and* (*duplicate of covering letter only, without second postscript*) 275–276*v.*]

July 14.
Jamaica.

218. President Ayscough to the Duke of Newcastle. Repeats preceding covering letter, with enclosure. *Endorsed*, R. 16th. [*C.O.* 137, 52. *ff.* 272*v.*–273, 274; *and* (*duplicate of covering letter with postscript added and endorsed*, R. 17th Oct. *and duplicate of enclosure*) 276–278, 279*v.*]

July 14.

219. Mr. Fane to the Council of Trade and Plantations. *Reply to* 3rd May. *Thinks* Governor Worsley ought to release the prisoners on giving security to answer any charge brought against them *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 22nd, Read 28th July, 1726. 1⅓ *pp.* [*C.O.* 28, 18. *ff.* 305, 305*v.*, 306*v.*]

July 14.
Whitehall.

220. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Christmas to Midsummer, 1726. There was then three months salary due to the Secretary and other Officers *etc.* *Accounts, certified, enclosed.* [*C.O.* 389, 37. *pp.* 263–266.]

July 14.
Whitehall.

221. *Same* to the Duke of Newcastle. H.M. having been graciously pleas'd to grant his royal licence of leave to Lt. Governor Drysdale, to be some time absent from his Government, for the recovering of his health, we take leave to acquaint your Grace, that according to H.M. Commission to the Rt. Honble. the Earl of Orkney Governor of Virginia, " the eldest Councillor, whose name is first plac'd in H.M. Instructions to his Lordship, who shall be at the time of the death or absence of the Governor or Lt. Governor residing within the Colony *etc.*

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shall take upon him the administration of the Government" *etc.* Colo. Edmund Jennings, the first Councillor so named in H.M. Instructions, being, as we are inform'd, become now incapable of executing this trust, by reason of his great age and infirmities, and his Lordship having recommended to us Robert Carter, the next Councillor, *desire* that he may be granted a Commission to act as Lt. Governor during the absence of Major Drysdale *etc.* [*C.O.* 5, 1365. *pp.* 292–294.]

July 14. Kensington. **222.** H.M. Warrant to Attorney or Solicitor General to prepare a bill for extending the grant of Patrick Crauford as Provost Marshall General of the Leeward Islands for life. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 251–253.]

July 18. **223.** Mr. Fane to the Council of Trade and Plantations. Reports in favour of Act of Antigua *for selling of certain lands lately belonging to Andrew Murray etc.* (*v.* 20th Sept., 1725). Has delayed his report till he received enclosed certificate. *Signed,* Fran. Fane. *Endorsed,* Recd. 22nd, Read 27th July, 1726. 5½ *pp.* *Enclosed,*

223. i. Certificate by the guardians of the late Andrew Murray that they assent to the Act mentioned above. 20th Oct., 1725. *Signed and sealed,* Alex. Cairnes, Henry Cairnes, John Murray, Jno. Murray. 1 *p.* [*C.O.* 152, 15. *ff.* 270, 272–274*v.*, 275*v.*]

July 18. Bermuda. **224.** Lt. Governor Hope to the Duke of Newcastle. *Encloses* duplicate of 20th April, and begs that "Capt. Francis Jones may succeed to Major Henry Tucker this day deceas'd." *Signed,* John Hope. *Endorsed,* R. Sept. 23rd. 1 *p.* [*C.O.* 37, 28. *No.* 36.]

July 18. Bermuda. **225.** *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed,* John Hope. *Endorsed,* Recd. 16th Sept., Read 22nd Nov., 1726. 1 *p.* [*C.O.* 37, 11. *ff.* 263, 264*v.*]

July 19. **226.** Mr. Fane to the Council of Trade and Plantations. *Reply to* 21st June. It can never be supposed that an Act of Parliament made on purpose to guard the King's right and property in one particular instance should by a strained and distant implication take away and diminish that right in a matter no ways the designe of the Legislature. The King by a generall reservation in his Charter was to have all trees of such a [*specified*] growth not expressely given away in townships or out of them; Now the only provision made by the Act of the 8th of the King was to prevent his trees out of townships from being cut down; it goes no further; the danger and mischief

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was that such trees as lay out of townships might without any discovery be cut down and carried away and therefore the penalty is applied and proportioned to the ease and practicableness of doing, and the difficulty of having evidence to convict the offender; This is the scope and designe of that clause and it medles with nothing else but leaves the King's right unimpeached as to the trees in townships which could not probably be cut down without the knowledge of the King's Officers and where there could be no likelyhood to cut down such trees being such as perhaps were very necessary either for shelter or ornament *etc.* The King's right to such trees remains and it has the protection and guard of the Common Law not only in giving a remedy for the violation of it but in preventing all attempts upon it by that known rule of law that no implication shall prevaile against the Crown's interest or prerogative. *Signed,* Fran. Fane. *Endorsed,* Recd. 22nd July, Read 8th Sept., 1726. 5 *pp.* [*C.O.* 5, 869. *ff.* 347–349, 350*v.*]

July 20.
New Hampre

227. Mr. Armstrong to Mr. Burniston. *Expresses* surprise that he has not heard of anything being done relating to the waste of H.M. woods of which he has complained *etc.*, and the claim to cut the trees within their townships in New Hampshire. *Refers again* to the 40 trees fit for masts and bowsprits cut in N. Hampshire for Messrs. Baley and Hawes. *Continues*:— I told their correspondent Mr. Cradock here to acquaint these merchants that I had wrote the whole state of the matter home to you, for which reason I designed to stop them trees, about a week ago he received an answer from those Gentn. that they wondered I will presume to stop them trees since they are cut within township *etc.* I am in hopes to prove the greatest part was cut without the township, and am in expectation to here from you, till which time I must suspend prosecution. But Mr. Baily and Hawes takes no notice of you at all in their letter, as if there was no such man as Surveyor of the King's woods. Here is likewise a contract come from the Navy Board with the King's lycence, sent here to one Mr. Waldo, from his correspondant in London. Waldo told me the contract was for five years to supply H.M. with two ship loads of masts every year. I have not seen the lycence yet, but Mr. Waldo told me that there was no mention made of neither you nor myself, as is common in them cases for in all contracts from the Crown, they was allwayes directed to the Surveyor Genll. or his Deputy or ought to be as you will find by your Instructions. Sr. I am quite craised considering the care and paines I have taken for preserving the King's timber, and no suitable incouragement from home to support me. I will assure you I have gone so far that I am in danger of my life, as its well knowne, at home the barbarous treatment Officers meetes

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with here that doth their duty. The last winter being so very cold and long I have almost lost the use of my limbs and hands in being so long in the woods. *Signed*, Rot. Armstrong. *Endorsed*, Recd. 7th Oct., Read 3rd Nov., 1726. 2 *pp.* [*C.O.* 5, 869. *ff.* 355, 355*v.*, 356*v.*]

July 20. Whitehall. **228.** H.M. Warrant to Robert Carter to take upon him the Government of Virginia, in the absence of Lt. Gov. Drysdale, Edmund Jennings the first Councillor being incapable of executing this trust by reason of his great age and infirmities *etc.* *Countersigned*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 253–255.]

July 21. Braban Court. **229.** Benjamin Curtis to [? *the Duke of Newcastle*]. *Repeats* his recommendation of Othniel Haggatt for the Council of Barbados, who has been recommended by the Members of Parliament and other Gentlemen of Bristol *etc.* *Signed*, Benja. Curtis. 2 *pp.* [*C.O.* 28, 39. *No.* 38.]

July 25. Virginia. **230.** Mr. Carter to the [*Duke of Newcastle*]. *Announces* the much lamented death of Colo. Drysdale, which happen'd on the 22nd instant *etc.*, " whereby H.M. has lost a faithful and zealous servant, and this country a good and just ruler." *Continues* :—He had some time before his death, upon the view of returning to England for the recovery of his health, suspended Mr. Jenings the first of the Council, because of his incapacity to act as President or to administer the Government during his absence *etc.* *Refers to* Journal of Council. *Continues* :—By this means the office of President and Commander in Chief of this Dominion in course devolves on me, *etc.* *Signed*, Robert Carter. *Endorsed*, Rd. Sept. 10th. 2 *pp.* [*C.O.* 5, 1337. *No.* 30.]

July 25. Virginia. **231.** *Same* to the Council of Trade and Plantations. *Announces* death of Col. Drysdale *as preceding.* *Concludes* :—I am now preparing, as much as an ill state of health will permitt me, to meet the Council, in order to take the oaths required *etc.* I shal forward the duplicates of such publick papers, as the late Governor has left behind him *etc.* *Signed*, Robert Carter. *Endorsed*, Recd. 10th, Read 14th Sept., 1726. 2 *pp.* [*C.O.* 5, 1320. *ff.* 82, 82*v.*, 83*v.*]

July 27. Canso. **232.** Lt. Governor Armstrong to the Council of Trade and Plantations. This being the first oppertunity this summer, of sending any accot. of this Province home, I humbly acquaint your Lordships that according to my Instructions to Major Paul Mascarene, 20th Aug. 1725, to goe to Boston and in conjunction with that Governmt. to agree and conclude a peace with the Indians, which accordingly he has done *etc.*

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v. enclosures. Continues :—Major Mascarene is now with the Lt. Governour of new England at Casco Bay ratifying the Peace with all the tribes of the severall Indian Nations *etc. Encloses* agreement made by Lt. Govr. Doucett *etc.* As for the fishery at Canso this year its pritty considerable for the number of vessells, a list of which *etc.* shall be sent your Lordships in the fall; there has been so great a call for fish in New England by the merchants of London, thats chiefly the reason there is not so many there as last year that together with a Collector being sent heither by Mr. Lichmore *etc.* gives the Fishery in some measure discouragement, who takes from each vessell 6*s.* 8*d.* and the Navill Officer 3*s.* 4*d.* which together a very small sum, yett makes them grumble having never been taxed anything before this year upon which I beg your Lordships' directions. In the middle of September next I shall meet a considerable body of Indians at Annapolis Royall to confirm the Peace, and all other points that have not yett been done to make it lasting, but I shall be very much at a loss for want of the usuall presents they generally recieve from H.M. on this occasion and believe I must raise 3 or £400 credit to make those savages easey in firmly keeping the peace, and if possible secure their furr tread for H.M. interest, which chiefly was carryed by them before to the French Governmt. of Cape Britain in which I hope your Lordships will prevaill with H.M. to support me in maintaining his right and the honour of the Crown. I shall also want H.M. directions about the French inhabitants upon their takeing the oaths of fedility which they have refused these severall years past, and as I am informed they are resolved to quit the Province rather then take it, and have transported several of their catle and other effects to Cape Britain. Governour St. Ovide with some troops and his Council are gone to the Island of St. Johns in the Bay of Vert in order to make out the lands of that Island for such people and inhabitants as will quit this Province and retire under the Government of France, this has been managed by the Missionary Preists amongst the Indians and french inhabitants in this Province. As for my part I have been so cautious that I have given them no manner of offence any way, and have lived in perfect friendship with the Governour of Cape Britain ever since my arrivall in this Province and everything now stands upon the best footing between these two Governments; excepting that they are fortified and we left neaked in which case upon the least difference between the two Crowns we must be distroyed while they remain saife and secure under the deffence of their fortification which I gave your Lordshipps an accot. of last year *etc.* With submission I must observe to your Lordships that my expencess are so great in suporting the honour of this Governmt. and the dignity of the Crown, without any allowance but my Lt. Collo. subsistance which

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falls short of that support, above £400 sterling this year, and your Lordships very well knows I have no other fund nor noe perquisites to help me out with in all the Province—which I hope will induce you to lay my very hard case before H.M. or the Treasury for a proper supply to suporte the honour of the Government, *etc.* *Signed,* L. Armstrong. *Endorsed,* Recd. 8th Oct., 1726, Read 1st June, 1727. 2 *pp.* *Enclosed,*

232. i. Articles of Peace signed by the Indian Delegates for Nova Scotia at Boston, 15th Dec., 1725. *v. No.* 268. i. *Signed,* Sanquarum *alias* Laurens; Alexis; François Xavier; Maganumbe; (totem marks), Delegates from the tribes of Penubscutt, Norrigewock, St. Johns, Cape Sables and other tribes inhabiting Nova Scotia and New England. 15th Dec. 1725. *Endorsed,* Recd. 8th Oct., 1726. *Copy.* 1 *p.*

232. ii. Instrument signed by Major Paul Mascarene, Commissioner for treating with the Indians at Boston, 15th Dec., 1725. Same as *No.* 268. ii, except that the right of retaining some hostages as prisoners is reserved and that it is provided that the ratification of this treaty shall be at Annapolis Royal *etc.* *Signed,* P. Mascarene. *Copy.* 1 *p.*

232. iii, iv. Duplicates of *Nos.* 268 i, ii. [*C.O.* 217, 4. *ff.* 346–353*v.*; *and* (*abstract of covering letter*) 217, 30. *p.* 20.]

July 27. Canso. **233.** Lt. Govr. Armstrong to [? *the Duke of Newcastle*]. *Repeats* preceding covering letter, *mutatis mutandis.* *No signature.* *Endorsed,* R. Oct. 5th. *Enclosed,*

233. i–iv. Duplicates of *Nos.* i–iv preceding. [*C.O.* 217, 38. *Nos.* 10, 10 i–iv.]

July 27. Whitehall. **234.** Mr. Popple to Mr. Fane. Encloses 11 Acts of Jamaica passed in 1726, for his opinion thereon in point of law, except the Revenue Act. [*C.O.* 138, 17. *pp.* 102, 103.]

[July 27]. Whitehall. **235.** Petition of Col. Spotswood to the King. Led by a publick spirit and a dutiful regard to H.M. pleasure, petitioner did upon receiving from the Lords Commissioners for Trade, directions for making hemp and tar, and H.M. Speech to the Parliament, for raising naval stores in the Plantations, judge it incumbent on him to promote the same within his Province, and thereupon deeply imbarked himself in such designs, by taking up for that purpose large tracts of the Crown's desart lands, which nobody had yet dared to venture upon, by reason of their being too remote, and exposed to Indian incursions. After an excessive deal of trouble, risque and expence, and particularly in importing about 300 persons for carrying on these undertakings, he hath brought them such a length, as to ship home ye first pig-iron, and ye first hemp of Virginia growth, that ever were known to be imported into Great Britain: besides proving by experiments that, in those American ports, neither ye tar can be made according to ye directions of the Act of Parliament, without ye peculiar skil of Finland tar-burners, nor ye hemp ever be raised to any perfection from the English, or the East country seed. Such discoveries, made at petitioner's sole cost, are a publick benefit, and the early fruits of his labour valuable to the Nation: for his new iron has continually grown in demand with all those iron-masters in England, who have hitherto made trial thereof; and his new hemp is proved to be considerably superior to ye best Russia, and equal in strength with ye best Riga hemp: as may appear by ye report from ye Officers of Woolwich yard to ye Commrs. of H.M. Navy, made in Oct. last. By a clause in the Lords Justices' order, 6th Aug., 1723, he is now in danger of being cruelly construed out of the greater part of his possessions, contrary to the declared intent of the order as a bountiful encouragement to venture upon exposed lands *etc.* Moreover, petitioner being obliged, by his removal from the Government, and some other discouragements, to forbear carrying on the said undertakings in so extensive a manner, as it was at first intended, he is likely to be too heavily burthened with the quit rents of useless lands, unless your Majesty ease him in the charge thereof, or at least allow him to make a surrender of such lands, as he had taken up with the view of making tar. Petitioner is worthy of H.M. favour because (i) It was his zeal to promote what appeared to be H.M. pleasure and the nation's interest which first engaged him in these land concerns. (ii) He has already very dearly purchased from other claimants their rights to those lands, and fully complied with the law of the Colony in making sufficient improvement thereon. (iii) Owing to their remoteness, he has been obliged to seat them with a formidable strength, and so run a mighty risque, as well as been at an extraordinary charge in maintaining the possession of them, until he happily obtained of the Five Nations to relinquish their pretentions thereto. (iv) To compass this point, he travelled 1200 miles, and not only underwent the fatigue of a 3 months expedition, but also bore £600 of the expenses thereof, which he has never yet been reimbursed. (v) By this Treaty he obtained a quiet cession of about three million acres to the Crown, and by new regulations of his own forming while he was Governor, improved H.M. revenue of quit rents from £1000 to £3000 sterl. per ann. *etc.* *Prays that* above mentioned Order may be so expounded, that he may remain in clear and quiet possession of his lands, and reap the benefit of the 7 years remission of rights and quit rents granted thereby; and that he may be allowed to surrender such lands, as he had taken up with the

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view of making tar, or else be granted, for an encouragement to go on with the undertaking, to hold those lands for a yearly quit rent of a barril of tar: in wch. last case he will do his utmost to procure, at his own expence, from Finland, men skilled in making tar from green pines, as the Act directs. *Signed,* A. Spotswood. *Overleaf,*

235. i. H.M. is pleased to refer this petition to the Council of Trade and Plantations *etc.* Whitehall, July 27, 1726. *Signed,* Holles Newcastle. *The whole, endorsed,* Recd. 5th, Read 30th Augt., 1726. 2⅓ *pp.* [*C.O.* 5, 1320. *ff.* 29–30*v.*; *and* (*petition only*) 5, 1344. *No.* 1.]

July 27. Whitehall. **236.** Duke of Newcastle to Governor Hart. Encloses following. "I desire you will please enquire into this case, and interpose so far as may be agreable to law and reason, that justice may be done in it." *Signed,* Holles Newcastle. *Annexed,*

236. i. Memoir of Col. Jean Lapradelle. Statement of claims against Pierre Buor, Major in Col. Alexander's regiment, and owner of two plantations in St. Christophers. Prays for an order of payment. *French.* [*C.O.* 324, 35. *pp.* 256–260.]

July 28. Whitehall. **237.** Council of Trade and Plantations to the Lords of the Committee of Privy Council. *Upon Col. Shute's petition, referred to them* 21*st June, represent that,* We do entirely agree with your Lordships, that it is both just and reasonable that the Assembly of New England should pay Col. Shute's arrears of salary, and likewise make a fixed and honourable provision for H.M. Governor of that Province for the future. We are likewise humbly of opinion, that it is highly necessary for H.M. service that Colo. Shute who has so strenuously asserted H.M. right, should be sent back again in quality of Governor to that Province, that the people of New England may see that H.M. will support his faithfull servants in the discharge of their duty. As to Col. Shute's arrears, we conceive the payment thereof should be computed at a medium of such annual salaries the Assembly of New England have usually allowed him; But we are humbly of opinion that the future provision to be made for the Governors of that Province, should be at least £1000 sterling. In order to induce the Assembly to comply with H.M. pleasure in these particulars, H.M. may be graciously pleased to recommend the same in the most strenuous terms, under His royal sign manual, to their consideration, and Col. Shute may have the honour to carry H.M. commands to them upon this subject. But as it is doubtful whether the people of New England will pay a ready obedience to H.M. orders, so we beg leave to propose that H.M. may be graciously pleased, considering Col. Shute's great expence and long attendance here on H.M. service, to extend his royal bounty to the said Col. Shute, to enable him to discharge the expence of his voyage to New England ; But if the people of New England shall not comply with H.M. directions herein, we know no other method so effectual to reduce them to a compliance, as to lay a state of that Province before the Parliament. As to the Province of N. Hampshire, H.M. may be likewise graciously pleas'd to recommend to His Council and Assembly to pay Col. Shute's arrears, and settle a salary on him for the future, in proportion to their circumstances : And as this Province is more immedately depending upon H.M. pleasure than New England ; it is to be hop'd they will readily comply therewith. [*C.O.* 5, 915. *pp.* 458–461.]

July 28. Whitehall. **238.** Council of Trade and Plantations to the King. In obedience to Order of 5th July, *enclose* Instructions to Governors for suspending the execution of judgments in cases of appeals *etc.* (*v.* 5th July.) *Mem.* Draughts of Instructions were enclosed for Jamaica, Leeward Islands, Bermuda, N. Hampshire, N. York, N. Jersey, Virginia, S. Carolina ; *and* No. Carolina, Maryland, Pensylvania, Connecticut, Rhode Island ; but none for Bahama or Nova Scotia, there being no Court established. [*C.O.* 324, 11. *pp.* 32, 33.]

July 28. **239.** Draft of *above* Instruction to the Governor of Jamaica, with alterations by the Lords of the Council indicated. [*C.O.* 138, 17. *pp.* 106–109.]

July 28. Whitehall. **240.** Corrected draft of above Instruction to the Governor of S. Carolina. [*C.O.* 5, 400. *pp.* 222–225.]

July 28. Whitehall. **241.** Corrected draft of above Instruction for Governor Shute (New Hampshire). [*C.O.* 5, 915. *pp.* 461–464.]

July 28. **242.** Corrected draft of above Instruction for Governor Burnet, New Jersey. [*C.O.* 5, 996. *pp.* 140–142 ; *and* New York (*Set out*, N.Y. Col. Docs. V. *pp.* 816, 817), 5, 1124. *pp.* 391–394.]

July 28. **243.** Corrected draft of above Instruction to George, Earl of Orkney, Governor of Virginia. [*C.O.* 5, 1365. *pp.* 296–299.]

July 28. **244.** Drafts of above Instruction for Rhode Island, Connecticut, North Carolina, Maryland and Pennsylvania. [*C.O.* 5, 1293. *pp.* 401–403.]

July 28. **245.** Draft of above Instruction to Lt. Governor Hope, Bermuda. [*C.O.* 38, 8. *pp.* 40–42.]

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July 28. **246.** Corrected draft of above Instruction to Governor Hart. [*C.O.* 153, 14. *pp.* 222–225.]

[July 28]. **247.** Memorial by Mr. Stevenson concerning Governor the Duke of Portland's proceedings upon the Acts of Jamaica in Nov. 1725 and March, 1726. (*v.* 11th April.) *Endorsed*, Recd. Read 28th July, 1726. ¾ *p.* [*C.O.* 137, 16. *ff.* 255, 256*v.*]

July 28.
Whitehall. **248.** Mr. Popple to Lt. Governor Wentworth. *Acknowledges* letters *etc.* of 12th Sept., 1724, 21st Jan., 27th Aug., 1725, and 27th March, 1726. *Continues*:—As it frequently happens that letters from the Governors of H.M. Plantations, as well as the papers referr'd to in their letters, do frequently miscarry, you are desir'd for the future to take notice in the body or postscript of all your letters, by whom you send them, and by the next conveyance constantly to send duplicates of your last letters, and of the papers enclos'd therein, that it may be known for the future, to whose neglect the loss of letters is to be imputed. There having been no regular accounts transmitted to this Office from New Hampshire of the number of negroes that have been annually imported there either by the African Compy. or by the Separate Traders; My Lords Commissioners desire you will send hither by the first opportunity as perfect an account as you can get for as long a space of time backwards as you can *etc.* and that for the future a regular account may be annually sent to us. [*C.O.* 5, 915. *pp.* 464, 465.]

July 28.
Whitehall. **249.** Council of Trade and Plantations to the King. Recommend H.M. disallowance of Act of Jamaica, 1726, *for granting a Revenue* to H.M. *etc.*, as inconsistent with H.M. Instructions to the Governor *etc.* [*C.O.* 138, 17. *p.* 103.]

July 29.
Whitehall. **250.** Mr. Popple to Mr. Fane. Encloses for his opinion in point of law Act of Jamaica, 1725, *for raising several sums of money and applying the same to the use of parties etc.* [*C.O.* 138, 17. *p.* 104.]

July 29.
Whitehall. **251.** *Same* to *Same*. Encloses, for his opinion in point of law, Acts of Barbados. (i) *for the preservation of fish* (1725); (ii) *for erecting magazines at St. Ann's Castle, and building a Town Hall and goal in the Town of St. Michael's* (1726); (iii) *for the payment of money due from the Publick to the Honble.* Will Downes (1726). [*C.O.* 29, 14. *p.* 426.]

July 29.
Whitehall. **252.** *Same* to *Same*. Encloses, for his opinion in point of law, 3 Acts of New York, Nov., 1725, (i) *to let to farm the excise, etc.*; (ii) *for continuing bills of credit*; and (iii) *to revive and continue* several Acts. [*C.O.* 5, 1124. *p.* 394.]

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253. *Same* to *Same*. Encloses, for his opinion in point of law, 2 Acts of Bermuda, (i) *for the greater encouragement of planting Indian corn*, (ii) *against bastardy*. [*C.O.* 38, 8. *pp.* 42, 43.]

July 29.
Kensington.

254. Order of King in Council. Referring to a Committee of the Privy Council the Revenue Act of Jamaica passed 5th March, 1726. *Signed*, Robert Hales. *Endorsed*, Recd. 2nd, Read 11th Aug., 1726. 1 *p.* [*C.O.* 137, 16. *ff.* 259, 260*v.*]

Aug. 4.
Virginia.

255. President Carter to the Council of Trade and Plantations. Since my last *etc.* (25th July) I have had a meeting of the Council, by whose concurring advice, I have taken on me the administration of Government as President. Such is the peaceable state of this Colony, that besides the usual Proclamations for continuing officers in their several trusts and imployments, there was nothing of moment necessary to be treated of *etc.*, for which reason I forbear troubling your Lordps. with the Minutes *etc.* *Forwards* duplicates of acts and journals of last session *etc.* *Signed*, Robert Carter. *Endorsed*, Recd. 29th Oct., Read 2nd Nov., 1726. 1¾ *pp.* [*C.O.* 5, 1320. *ff.* 84, 84*v.*, 85*v.*]

Aug. 8.
St. Christophers.

256. Governor Hart to the Council of Trade and Plantations. *Acknowledges* letter of 9th Feb. *Continues*:—Mr. Pym Burt and Mann have been sworn into the Council, agreeable to your Lordships' commands. I submit to what your Lordships observe to the uniting of the Council and Assemblys of St. Christophers and Nevis; Tho' I hope upon my arrival in England I shall set that matter in so clear a light, as may deserve your Lordships' further consideration. *Acknowledges* Attorney and Solicitor General's opinions relating to persons who commit capital crimes in the lesser Islands *etc.* As for the petitions of John Gratehead and Thomas Rowland, they are all concluded by the Commission H.M. has been pleas'd to grant to Lt. General Mathew, Gilbert Fleming and Edward Mann Esqrs. for disposing of the late French lands in this Island *etc.* *Refers to enclosures*. *Continues*:—I shall from time to time acquaint your Lordships with the proceedings of these Commissioners. And tho' no exact computation can be made at present what the sale of these lands will amount to, yet I beleive they will come out at about £100,000 sterling. I am lately return'd from the Island of Antego, where I have dispatch'd all the buisness in the Chancery Court, Court of Errors, Council and Assembly, and intend to return thither in October. I found that Island in a miserable condition from the dry weather, but very plentiful rains have fallen lately, which hath releiv'd all their necessities, as well as at Nevis and Mountserrat which were likewise miserably

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afflicted with the same dry weather. And had not these Islands been well supply'd with provisions from the Colonys in North America, it must have produc'd a famine. Whilst I was at the Chancery Court in Antegoa, Mr. Freeman a lawyer gave me an authentick copy of their Excellencies' Order, the petition exhibited against me, *etc.*, and I requir'd the Deputy Clerk of the Council to make a minute on the back of it, of the time of the delivery of the said Order, in the presence of Lt. General Mathew, and Major General Byam Lt. Governor of Antegoa, which I intend to answer as soon as possible, being oblig'd in order to justifye myself, to take a voyage to Nevis and Mountserrat this season of the year, when hurricanes are dayly expected *etc.* I do not doubt to justifie my conduct *etc.* I don't doubt but your Lordships are sooner and better advis'd by the way of Jamaica ; But the Governor of St. Eustatia has advis'd me that by a sloop, lately come from Jamaica and Curraso, Admiral Hosier was sail'd with the squadron from Jamaica for Porto Bell in June last. *Signed*, Jo. Hart. *Endorsed*, Recd. 14th, Read 19th Oct., 1726. 3 *pp.* *Enclosed*,

256. i. H.M. Commission to Lt. General William Mathew, Gilbert Fleming and Edward Mann for "agreeing with any of our subjects for the absolute purchase of the" late French part of St. Christophers, 16,000 acres, called Basseterre and Cabusterre Quarters *etc.* No one lot to contain more than 200 acres *etc.* All former grants terminable at will are now declared void. St. James's, 4th June, 1726. *Signed*, R. Walpole, Cha. Turner, Geo. Dodington. *Endorsed as preceding. Copy.* 3 *pp.*

256. ii. Notice of sale and termination of grants, in accordance with preceding. St. Christophers, 6th Aug., 1726. *Signed*, William Mathew, Gilbert Fleming, Edwd. Mann. *Same endorsement. Copy.* 1 *p.*

256. iii. Notice inviting offers for purchase of lands and requiring tenants to state particulars of the land in their possession. *Same signatures, date and endorsement.* 1½ *pp.* [*C.O.* 152, 15. *ff.* 292–296, 297*v.*–298*v.*, 299*v.*]

Aug. 9.
Kensington.

257. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Recd. 19th, Read 30th Aug., 1726. 1 *p.* *Enclosed*,

257. i. Petition of Henry Newman, Agent for New Hampshire, to the King. *Prays* H.M. to grant an explanation of the clauses in the Charter of the Massachusetts Bay relating to the boundaries of New Hampshire and the adjoining Provinces of Massachusetts Bay and Main (*v.* 27th March).

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Though Commissioners have been appointed by the Government of each Province to settle those boundaries they have not, by reason of some ambiguity in the words of the Charter, been able to agree upon the construction of said clauses. The delay of settling these lines hath occasioned great feuds between H.M. subjects inhabiting near the boundary of Massachusetts Bay and New Hampshire; the Collectors of taxes for each Province claiming the publick tax, and have proceeded to arrest and imprison such as have refused to pay to both Provinces. The yearly encrease of such inhabitants makes it absolutely necessary that some accommodation should be made for preserving peace between them *etc.* *Signed*, Henry Newman. *Copy.* 2 *pp.*

257. ii. Copy of the clauses of the Charter of the Massachusetts Bay referred to in preceding. 3¼ *pp.*

257. iii. Plan of the disputed boundary between New Hampshire and Massachusetts Bay. (*Probably the "verry exact draft of Merrymack River" sent by Lt. Governor Wentworth,* 27*th March,* 1726, *q.v. Ed.*) Mounted on boards. *Scale,* 40 miles. [*C.O.* 5, 869. *ff.* 340, 341–343*v.*, 346.]

Aug. 9. Kensington. **258.** Two Orders of King in Council. Repealing Revenue Act of Jamaica (*v.* 29th July). The Governor is to recommend in the strongest manner to the Council and Assembly the passing of the bill prepared by the Board of Trade *etc.* *Set out,* A. P. C. III. *pp.* 75–78 *q.v.* *Signed,* Robert Hales. *Endorsed,* Recd., Read 7th Sept., 1726. 8½ *pp.* [*C.O.* 137, 16. *ff.* 261–264*v.*, 265*v.*; *and* (1 *p.*) 266, 266*v.*]

Aug. 9. Kensington. **259.** Order of King in Council. Appointing John Daily and John White (*v.* 6th July) to the Council of Montserrat. *Signed,* Robert Hales. *Endorsed,* Recd., Read 7th Sept., 1726. 1 *p.* [*C.O.* 152, 15. *ff.* 282, 283*v.*]

Aug. 9. Kensington. **260.** Order of King in Council. Appointing Carey Broadbelt to the Council of Nevis. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 152, 15. *ff.* 284, 285*v.*]

Aug. 9. Kensington. **261.** Order of King in Council. Ordering a Commission to be passed under the Great Seal, relating to ecclesiastical jurisdiction in the Plantations, and appointing a Court for hearing appeals from sentences passed by virtue of said Commission *etc.* *Set out,* A. P. C. III. *No.* 74, *q.v.* *Signed,* Robert Hales. *Endorsed,* Recd., Read 7th Sept., 1726. 4 *pp.* [*C.O.* 323, 8. *No.* 67.]

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Aug. 11.
Whitehall.

262. Mr. Popple to Mr. Fane. Encloses for his opinion in point of law 28 Acts passed in the Massachusetts Bay, Oct. 1723—Nov. 1725, *enumerated.* [*C.O.* 5, 915. *pp.* 466–470.]

Aug. 11.
Whitehall.

263. *Same* to Mr. Willard. *Acknowledges* letters *etc.* of 5th Dec., 1724, 26th May, 6th Nov., 1725, 3rd June, 1726. My Lords Commissioners will take into consideration the Acts enclosed when Mr. Fane has made his report *etc. Repeats instructions as to correspondence as above*, 28th July. [*C.O.* 5, 915. *p.* 471.]

Aug. 11.
Whitehall.

264. *Same* to Governor Worsley. *Encloses* Mr. Fane's opinion upon the men detained by him upon suspicion of piracy *etc.* [*C.O.* 29, 14. *p.* 426.]

Aug. 11.
Whitehall.

265. *Same* to Governor Hart. *Encloses* Mr. McDowall's petition *etc. Continues* :—My Lord Commissioners desire you will, as soon as possible send your particular answer to the said complaint. In the mean time their Lordships do expect, that you would not give him any disturbance in his possessions. [*C.O.* 153, 14. *p.* 226.]

Aug. 12.

266. Mr. Stevenson to Mr. Delafay. *Encloses* following in order that "My Lord Townshend may be fully informed of the difficulties the Duke of Portland lay under" *etc. Signed,* Alexr. Stevenson. $1\frac{3}{4}$ *pp. Enclosed,*

266. i. Extracts of letters from Governor the Duke of Portland to Mr. Stevenson (*cf.* 1st. June). $1\frac{1}{4}$ *pp.*

266. ii. Memorial by Mr. Stevenson upon the proceedings in Jamaica, explaining why the Governor gave his assent to the Revenue Act and Perpetuity bill *etc.* of March 1726, contrary to his Instructions (*v.* 1st June *etc.*). $3\frac{3}{4}$ *pp.* [*C.O.* 137, 52. *ff.* 280, 280*v.*, 282, 282*v.*, 284–285*v.*]

Aug. 12.
Middle
Temple.

267. Mr. Newman to the Duke of Newcastle. Encloses following. *Signed,* Henry Newman. 1 *p. Enclosed,*

267. i. Address of the Lt. Governor Council and Representatives of New Hampshire to the King. We your Majesty's most dutifull and loyal subjects, haveing a deep and gratefull sense of the many and great blessings we enjoy under the influences of your Majesty's most auspicious reign; by the present wise and prudent administration of Government in this remote part of your Majesty's Dominions, beg leave unfeignedly to congratulate your Majesty's safe and happy return *etc.* and successfull negotiations in forming and entering into such powerfull alliances, whereby not onely the tranquility of your own good

subjects is like to be perpetuated, the general Peace of Europe continued, the infatuated schemes and hopes of your Majesty's enemys in favour of the Pretender blasted and defeated; But also, the distresses of our Protestant suffering brethren abroad releived *etc. Signed,* Richard Waldron, Cl. Con., Peter Weare, Speaker. 21st May, 1726. 2 *pp.* [*C.O.* 5, 10. *Nos.* 8, 8.i.]

Aug. 16. Annapolis Royall. **268.** Lt. Governor Doucett to the Council of Trade and Plantations. *Has kept Governor Philipps informed of affairs etc. Continues*:—Severall Indian tribes have been att this Garrison to ratifye the peace with us (*v. enclosures*). They seem to be quite tired of the warr and are extreamly well pleas'd with the peace, and beleive they will never make warr upon this Government whatever they might doe with New England, without Great Britain and France should be att warr and then no doubt butt they would do us all the mischief they could, notwithstanding a great many have declar'd to me they woud never take up arms against either of the two Crowns butt that they wou'd live neuter and friends to both. They have cost me near £300 in presents and feasting, butt as H.M. has been pleased to give my leave for some months to be absent from hence, shall not give your Lordships any further trouble att present, butt to beg you will please to look into *enclosure iii etc. Signed,* John Doucett. *Endorsed,* Recd. 4th, Read 10th Nov., 1726. 3 *pp. Enclosed,*

268. i. Copy of Articles of Peace ratified by Lt. Governor Doucett and chiefs and representatives of the Penubscut, Norrigewock, St. Johns, Cape Sables and the other Indian tribes, belonging to and inhabiting this H.M. Province of Nova Scotia, in pursuance of the agreement concluded at Boston 15th Dec., 1725, by their delegates and Major Paul Mascarene, which required that the said Articles should be ratified at Annapolis Royal. Wee doe for ourselves and the said tribes wee represent, acknowledge his Majestie King George's jurisdiction and dominion over the territorys of Nova Scotia or Accadia, and make our submission to his said Majestie in as ample a manner as wee have formerly done to the Most Christian King. *Undertake* not to molest inhabitants; to restore deserters; to make satisfaction for any robbery or outrage committed; in case of any quarrel or injury between the English and Indians to take no private revenge, but to apply for redress according to H.M. laws; and to restore any prisoners now held. Annapolis Royall, 4th June, 1726. 64 *signatures. Endorsed,* Recd. 4th Nov., 1726. 1 *large p.*

1726.

268. ii. Instrument signed by Lt. Governor Doucett, by and with the advice of the Council, upon the signing of *preceding* agreement. Promises protection and friendship to the Indians, who shall not be molested in their planting and hunting *etc.*, nor in their religion, provided the missionaries residing amongst them have leave from the Government for so doing. Any Indians injured by H.M. subjects or their dependants shall have satisfaction according to H.M. laws, whereof the Indians shall have benefit equal with H.M. other subjects. On bringing back any soldier endeavouring to desert, they shall be handsomely rewarded. *Releases* the Indian prisoners. Annapolis Royall, 4th June, 1726. *Signed*, John Doucett. *Endorsed as preceding.* 1 *large p.*

268. iii. Certificate by the Officers and inhabitants of Annapolis Royall as to Lt. Gov. Doucett's honesty and zeal for H.M. service. Annapolis Royall, 16th Aug., 1726. 32 *signatures. Endorsed as preceding.* 1½ *pp.* [*C.O.* 217, 4. *ff.* 316–323*v.*; *and* (*abstract of covering letter*) 217, 30. *p.* 21.]

Aug. 16.
Annapolis
Royal.

269. Lt. Govr. Doucett to the Duke of Newcastle. Repeats preceding covering letter, *mutatis mutandis. Signed*, John Doucett. *Endorsed*, Rd. Nov. 17th. 3 *pp. Enclosed*,

269. i–iii. Duplicates of *Nos.* 268. i–iv. [*C.O.* 217, 38. *Nos.* 11, 11 i–iii.]

Aug. 17.
Whitehall.

270. Lord Townshend to Governor the Duke of Portland. At the request of the Spanish Minister, Marquis de Pozzo-Bueno, asks him to see that justice is done Don Manuel de Aramburu, whose ship, Nostra Senora de Belem, was taken by a Jamaica privateer in 1715, and there condemned as prize. He has obtained a reversal of the sentence by the Lords Commissioners of Appeals in causes of the Admiralty *etc. Signed*, Townshend. *Annexed*,

270. i. Petition of Manuel de Aramburu relating to above. [*C.O.* 324, 35. *pp.* 278–280.]

Aug. 18.
Whitehall.

271. Duke of Newcastle to Governor the Duke of Portland. Encloses King's letter and two orders for repealing the Revenue Act *etc. Refers* to letters *etc.* of 7th July. *Continues*:—All I shall add is, to assure your Grace, as you may with great truth do the Council and Assembly of Jamaica, that all possible regard has been had in the transaction of this matter to their true interest and safety, to the security of their property and liberty, to a due administration of justice, and to whatever might contribute to the preserving of peace and good order among them, and to the advancement of their trade and welfare.

It is therefore hoped, that the Council and Assembly will not look upon the matters contained in the draught of an Act which has been sent you to be proposed to them as a law intended to be imposed upon them, but as the effect of H.M. tender care and regard for them, that they will receive and embrace it with all the respect and gratitude due to so signal an instance of H.M. goodness, and will accordingly without any farther difficulty pass a law to that effect, which will receive H.M. most gracious approbation, and such their dutifull deportment will not fail to intitle them to farther marks of H.M. favour as oppertunities hereafter may offer. H.M. does expect from your Grace, that you will exert your utmost endeavours, care and diligence to make them fully sensible of this; and does strictly charge you, not to pass any Act for making the revenue there and their laws perpetual upon any other foot than what is prescribed you by the directions contained in the several letters from H.M. and from me, and the Orders of Council beforementioned. I heartily wish you success in this affair *etc.* *Signed*, Holles Newcastle. *Annexed*,

271. i. The King to Governor the Duke of Portland. Kensington, 18th Aug., 1726. *Refers to* repeal of Revenue Act of 1726, and recounts report of Committee of Privy Council thereon (*v.* 8th Aug.), and charges him to pursue the orders given him on 7th July, by immediately recommending said matters to the Council and Assembly, *etc.* *Countersigned*, Holles Newcastle.

271. ii, iii. Copies of two Orders of Council, 9th Aug., 1726, *q.v.* [*C.O.* 324, 35. *pp.* 260–278.]

Aug. 19. Kensington. **272.** H.M. Warrant appointing Othniel Haggat to the Council of Barbados. *Countersigned*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 280, 281.]

Aug. 22. Barbados. **273.** Governor Worsley to the Duke of Newcastle. I have the honour to transmit *etc.* this years Excize Act, which differs from the last in two particulars which are excluded therein; the first, is for the payment of such orders as are, or shall be issued, by the Governr. or Commander in Chief for the time being, by and with the advice and consent of the Members of H.M. Council, payable to the Attorney General of this Island for his trouble in carrying on prosecutions against criminals, and for his advice for the service of this Island, *etc.* The other is for the payment of the sallary appointed for the Agent *etc.* *Encloses* Journal of Council 15th March—8th June, 1726; of the Court of Chancery, 13th April—6th July; and of the Assembly, 5th July—2nd Aug. *etc.* *Continues*:—Mr. Walker who I had appointed in the room of Mr. Carter, H.M. Attorney General, being lately dead, and Mr. Carter being not yet returned, I have appointed Mr. Jonathan Blenman till Mr. Carter's

1726.

return; This gentleman is a very able lawyer, of good circumstances, and very well affected to the present Government. *Signed,* Henry Worsley. *Endorsed,* R. Oct. 20th. 3 *pp.* *Enclosed,*

273. i. List of fines, forfeitures and escheats at the Grand Sessions of Barbados, 14, 15th June, 1726. *Signed,* Cha. Browne, Dep. Cl. Cor. 1 *p.*

273. ii. Duplicate of preceding.

273. iii. List of (20) cases at the Grand Sessions, Barbados, June, 1726. *Signed as preceding.* ¾ *p.*

273. iv. Duplicate of preceding.

273. v. Deputation by John Cornelius, of Ipswich, Gentleman, Clerk of the Navy Office, Barbados, to Samuel Wadeson. 6th Jan., 1725. *Signed,* Jno. Cornelius. *Copy.* 1¼ *pp.*

273. vi. Deputation of same to Henry Carter, 17th June, 1726. *Signed as preceding.* ¾ *p.*

273. vii. Instruction of *Same* to *Same.* *Same date and signature.* *Copy.* 4½ *pp.*

273. viii. *Same* to Governor Worsley. Begs the favour of H.E. protection for his Deputy *etc.* *Same date and signature.* *Copy.* 1 *p.*

273. ix. 54th Article of Governor Worsley's Instructions. 1⅓ *pp.*

273. x. 57th Article of Governor Worsley's Instructions. ⅔ *p.*

273. xi. Duplicate of *No.* ix.

273. xii. Power of Attorney by Thomas and Francis Reynolds of London Esqrs., Provost Marshal General of Barbados, and Francis Reynolds, Marshal of the Vice Admiralty Court, to Henry Lascelles and Thomas Harper to appoint a deputy in the case of the death *etc.* of Oliver Kennedy, their deputy *etc.* 31st Aug. 1720. *Signed,* Thos. Reynolds, Fra. Reynolds. *Copy.* 5 *pp.*

273. xiii. Power of Attorney by Charles Huggins of London, Clerk and Remembrancer of the Court of Exchequer, Barbados, empowering Rev. William Gordon and Nicholas Hope, to appoint a deputy in place of his deputy upon his death *etc.* 6th Dec., 1720. *Signed,* Charles Huggins. *Copy.* 3¼ *pp.* [*C.O.* 28, 44. *Nos.* 103, 103 i–xiii; *and* (*duplicates of Nos.* vi–viii) 28, 39. *Nos.* 36, 37, 37.i.]

Aug. 22.
Barbados.

274. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed,* Henry Worsley. *Endorsed,* Recd. 25th Oct., Read 2nd Nov., 1726. 3 *pp.* *Enclosed,*

274. i, ii. Duplicates of *Nos.* 273. i, iii. [*C.O.* 28, 18. *ff.* 309–312, 313*v.*]

1726.
Aug. 22.
Cannons.

275. Duke of Chandos to [? *the Duke of Newcastle*]. Encloses following. *Signed*, Chandos. *Holograph.* 1 *p. Enclosed*,

275. i. David Pugh to the King. Kingston, 10th May, 1722, 28th May, 1726. A proposal for a secret expedition for reducing the Spanish West Indies to the Crown of England. Suggests that a force be dispatched with arms to beat up volunteers in the various Islands and then land to the north of the Havannah, *etc. Signed*, D. Pugh. 2⅛th *pp.* [*C.O.* 137, 52. *ff.* 286, 288–289.]

Aug. 22.
Boston.

276. Lt. Governor Dummer to the Council of Trade and Plantations. After some delays occasioned partly by the severity of the last winter, in which it was very difficult for the Indians to pass and repass from one tribe to another, the ratifycation was accomplished at Falmouth in Casco Bay the sixth of August *etc. Refers to enclosures.* The Indians appear to me to be in a very good disposition at present to perform their engagements, and it shall be my care *etc.* by all proper means to cultivate that disposition in them, and the Generall Court of this Province having granted a sum of money to be imployed in trade with them whereby they will be constantly supply'd at easy rates with every thing they need, I am in hopes they may in a short time be intirely drawne from their dependance on the French, and especially if H.M. shall be pleased of his royal bounty to order a small annual present to be made them by the Governour of this Province as he has graciously done for the Westerne Indians under the direction of the Governour of New York, which seems the more needfull here because the Governours of Canada have practised it with these Indians *etc. Refers to enclosures. Signed*, Wm. Dummer. *Endorsed*, Recd. 11th Oct., 1726, Read 8th June, 1727. 2¾ *pp. Enclosed*,

276. i. Minutes relating to the ratification of the Peace with the Eastern Indians, July 16th—11th Aug., 1726. The Lt. Governor, with a Quorum of the Council and some of the Representatives arrived at Falmouth 16th July. On the 21st, they received a letter from Wenemouett, Chief Sachem of the Penobscot Indians, insisting that the Conference should be held at Pemaquid. The Indians were informed that they must attend at Falmouth as arranged, which they did on 29th. A conference was begun on the following day, and the ratification concluded 6th Aug. In addition to above, there were present Lt. Governor Wentworth and George Jaffrey, Shadrach Walton, and Richard Vibird of the Council of New Hampshire were present, and Major Paul Mascarene, commissioned by Lt. Gov. Armstrong of Nova Scotia; Wenemouett

1726.

and other Sachems. The Narridgwock, St. François and Wowenock Indians were not present. *Details of the Conference. Signed*, Wm. Dummer, Wenemouett Sachem, *Totem* mark; John Wainwright, Cler. Conc. *Endorsed as preceding. Copy.* 23 *pp.*

276. ii. The Tryals of Sixteen Persons for Piracy *etc.*, at Boston, 4th July, 1726. Four were found guilty. It was ordered that William Fly, Samuel Cole and Henry Greenvill should be executed, "at the usual place for the execution of pirates, in or near Charles River," and the body of Fly, the leader, hung in chains on an Island called Nick's Mate, near the entrance of the harbour of Boston. George Condick, a drunken, ignorant fellow who served as ship's cook, was reprieved. Fly, boatswain of the snow *Elizabeth* of Bristol, with the rest of the crew of 15 men had risen in the night and thrown the Captain and Mate overboard. The deposition of Captain William Atkinson, who was captured and compelled to act as pilot for the pirates, describes their voyage under the black flag. Led by deponent, Fly was seized and overpowered by some members of his own crew, and the ship brought in to Boston. *Printed and sold by Joseph Edwards, at the corner shop on the north side of the Town-house*, 1726. *Quarto.* 24 *pp.* [*C.O.* 5, 869. *ff.* 381–406*v*.]

Aug. 22.
Boston.

277. Lt. Governor Dummer to [? *Duke of Newcastle*]. *Encloses* ratification of Peace with Indians, and trial of pirates (*as preceding*), one of whom is recommended for H.M. grace. *Concludes*:—I shall pursuant to H.M. Instructions inclose your Grace an inventory of the piraticall goods taken on the said pirate in order to receive H.M. directions concerning the disposall thereof *etc.* *Signed*, Wm. Dummer. *Endorsed*, Presidt. Dummer *etc.* 2 *pp.* *Enclosed*,

277. i. Copy of *No.* 276. i. 26 *pp.* [*C.O.* 5, 898. *Nos.* 38, 38.i.]

Aug. 23.
Whitehall.

278. Mr. Popple to Mr. Cumings. My Lords Commissioners have lately had under their consideration your letters of 10th Oct., 22nd Dec. 1724, 23rd June, 1725, and 28th June last. They thank you for the information therein given and desire you would let them have the scheme you mention for the advancement of trade *etc.* by the first opportunity *etc.* If they find it answers the end you propose, they will recommend you to the proper Offices, that you may obtain the reward you desire. [*C.O.* 5, 915. *p.* 472.]

1726.
Aug. 31.
Whitehall.

279. Council of Trade and Plantations to the King. There has long been a dispute depending between your Majties. subjects of the Colony of Virginia and those of North Carolina, concerning their respective boundaries, and the Governors of those two Colonies having some time since agreed upon certain proposals for terminating the said dispute, and for regulating the boundaries for the future. Wee communicated a coppy of ye said proposals soon after they came to our hands, to the Lords Proprietors of Carolina, and have but very lately receiv'd their assent thereunto. Whereupon having duly consider'd the said proposals, and conceiving the regulations thereby intended to be for your Majties. service, wee crave leave herewith to lay a copy thereof before your Majtie. and humbly to propose that your Majtie. may be graciously pleas'd to signifie your orders to your Govr. of Virginia, to settle the boundaries in conjunction with the Govr. of Carolina, agreeable to the said proposals. [*C.O.* 5, 1365. *pp.* 299, 300.]

Aug. 31.
Whitehall.

280. Council of Trade and Plantations to the Duke of Newcastle. Being inform'd that your Grace has lately obtain'd H.M. Orders for appointing Othniel Haggot Esqr. to be a Councillor in Barbados, upon the first vacancy that shall happen there, we beg leave to acquaint your Grace, that it has always been esteem'd the right of this Board to propose proper persons to H.M. for the filling of such vacancies when they have happened; and your Grace's predecessors in the Secretary's Office have been so sensible of this right, that when they have been sollicited to obtain H.M. Orders to put in any Councillors in H.M. Colonies abroad, and even when the Crown has been disposed so to do, letters have been previously sent to this Board, to know whether we had any objection thereto, as your Grace will see by two precedents here inclosed. *Autograph signatures.* $1\frac{3}{4}$ *pp.* *Enclosed,*

280. i. Copies of C. S. P. 1710–1711. *Nos.* 771 *and* 854.

280. ii. Mr. Secretary Craggs to the Council of Trade and Plantations, Nov. 14, 1718. *v.* C. S. P. *under date.*

280. iii. Council of Trade and Plantations to Mr. Secretary Craggs, Nov. 19, 1718. *v.* C. S. P. *under date.*

280. iv. *Same* to the King. Nov. 28, 1718. *v.* C. S. P. *under date.* [*C.O.* 5, 4. *Nos.* 30, 30 i–iv; *and* (*without enclosures*) 389, 37. *pp.* 266, 267; *and* 29, 14. *p.* 427.]

Sept. 4.

281. Mr. Shelton to Mr. Popple. The Lords Proprietors of Carolina being all of them out of town, I thought fit to informe you, that their Lordships gave instructions to Mr. Burrington their late Governour of North Carolina to settle the boundaries between Virginia, and that Province according to the agreement made between Col. Spotswood and Mr. Eden;

1726.

and since their Lordships have given *similar* instructions to Sir Richard Everard whome they have sent to succeed Mr. Burrington *etc.* *Signed,* Ri. Shelton. *Endorsed,* Recd. 6th Sept., 1726, Read 23rd June, 1727. 2 *pp.* [*C.O.* 5, 1266. *ff.* 215, 215*v.*, 216*v.*]

Sept. 7. Whitehall. **282.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of New York, 1726, *to empower Walter Dungan, surviving kinsman of Thos. late Earl of Limerick, and two trustees to sell part of his estate for the payment of his debts etc.* [*C.O.* 5, 1124. *p.* 395.]

Sept. 7. Whitehall. **283.** *Same* to *Same.* Encloses, for his opinion in point of law, 2 Acts of Antigua, 1726. [*C.O.* 153, 14. *p.* 227.]

Sept. 8. Whitehall. **284.** Mr. Popple to Robert Armstrong, Deputy Surveyor of the Woods. My Lords Commissioners have lately had under their consideration your letters of 5th Nov. 1725, and 10th March last *etc.* *Encloses* for his information and use Mr. Fane's opinion upon Crown rights to the woods (July 19). [*C.O.* 5, 915. *p.* 473.]

Sept. 8. Whitehall. **285.** *Same* to Lt. Gov. Wentworth. *Encloses* Mr. Fane's opinion *as preceding.* [*C.O.* 5, 915. *p.* 474.]

Sept. 8. Whitehall. **286.** Mr. Popple to Col. Spotswood and Mr. Leheup. *Encloses* following queries for their answers as soon as possible : (i) What number of acres Col. Spotswood possesses ? (ii) by virtue of what grants ? (iii) date of those grants ? (iv) Whether all the regular and accustomed steps were pursued in obtaining and making out those grants ? (v) What are the usual rights requisite to be produced upon the making of grants ? (vi) When are these rights payable ? [*C.O.* 5, 1365. *p.* 301.]

Sept. 8. Whitehall. **287.** Council of Trade and Plantations to the King. Propose for confirmation Act of Antigua, 1725, *for selling lands lately belonging to Andrew Murray etc.* [*C.O.* 153, 14. *p.* 228.]

Sept. 9. Treasury Chambrs. **288.** Mr. Leheup to Mr. Popple. In reply to 8th Sept. encloses following. *Signed,* Peter Leheup. *Endorsed,* Recd. 9th, Read 14th Sept., 1726. 1 *p.* *Enclosed,*

288. i. Replies to queries of 8th Sept. Quotes the Receiver General, John Grymes. *v.* Feb. 15 encl. i. 1½ *pp.* [*C.O.* 5, 1320. *ff.* 37, 38, 38*v.*, 40*v.*]

Sept. 10. Westmr. **289.** Col. Spotswood to Mr. Popple. Yours of the 8th instant *etc.* could not but lay me under some concern, to observe that all I had already offered to your Board have been hardly

1726.

considered ; for I cannot more particularly set forth the points now in question, than I have already done *etc.* *Hopes* that he will be allowed to be present when the Board considers his affair and to point out to their Lordships where he has already answered their queries *etc.* *Continues* :—But I am somewhat surprized at the tendency of these queries, which look as if their Lordsps. were upon trying the legal right to my lands (in wch. case I hope I shall be allowed to appear by my Counsel) *etc.* *Understands* the reference of his petition to be for a report upon his services and the merit of his proposal *etc.* *Signed*, A. Spotswood. *Endorsed*, Recd. 12th, Read 14th Sept., 1726. *Holograph.* 1 *p.* [*C.O.* 5, 1320. *ff.* 35*r.*, 36*v.*]

Sept. 14.
Whitehall.

290. Mr. Popple to Sir Philip Yorke and Charles Talbot Esqr., (Attorney and Solicitor General). Requests their opinion in point of law as to Crown rights in N.E. woods, in same terms as Feb. 16th and 21st June, *q.v.* [*C.O.* 5, 915. *pp.* 475, 476.]

Sept. 14.
Whitehall.

291. Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. *Recommend* application of Governor and Council of Bahama Islands that bills for H.M. share (£183 17*s.* 4*d.*) in forfeited brigantine may be allotted for the public debts of those Islands, contracted chiefly for the expence of the fortifications (*v.* 30th June), *etc.* *Continue* :—By the last year's accounts the Bahama Islands appear to be indebted 664 ps. of $\frac{8}{8}$, 7½ ryals chiefly on account of tools and necessaries for the use of the fortifications, and for carrying on other publick works. If therefore your Lordships shall think fit to intercede with H.M., as they desire, we are of opinion it will be of great service to that infant settlement, more especially considering their little capacity of paying that summ, where their income bears so small a proportion to their necessary disbursements, as your Lordps. will see by the annexed copy of their receipts and payments for the last year. [*C.O.* 24, 1. *pp.* 83, 84.]

Sept. 14.
Whitehall.

292. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 13 Acts of Virginia, 1726 (*enumerated*). [*C.O.* 5, 1365. *pp.* 302–304.]

Sept. 20.
N. Providence.

293. Governor Phenney to the Council of Trade and Plantations. Mr. Ferrall continuing greatly to misbehave in a most notorious manner, has oblig'd me to trouble your Lordships with the several papers enclos'd concerning him. He was convicted at the last Sessions of the Peace of blasphemous words, and by order of the Justices, is under confinement till he finds sureties for his future good behaviour. As it will very much tend to the peace of this Government, I humbly hope H.M. will vouchsafe to grant the prayer of our petition. *Refers to* letters of 28th Jan. and 20th June. *Concludes* :—Till I have your Lordships' answer I shall remain at a loss about grants of lands and other particulars therein desir'd *etc.* *Signed,* G. Phenney. *Endorsed,* Recd. 26th, Read 27th Jan., 172$\frac{6}{7}$. 1 *p.* *Enclosed,*

293. i. Petition of the Governor and Council and Commission Officers of the Independent Company in the Bahama Islands to the King. July, 1726. *Enclose* proceedings concerning Lt. Simon Ferrall, who in spite of reprimands, continues to be guilty of divers misbehaviours unworthy of a Gentleman, *and pray that* he may be removed from the garrison, and ordered to pay his debts and depart these Islands *etc.* *Signed,* G. Phenney and 9 others. *Same endorsement.* 1 *p.*

293. ii. Minutes of Council of the Bahama Islands, 13th–26th July, 1726, relating to charges and petitions against Lt. Ferrall for disorderly and mutinous conduct *etc.* *Same endorsement.* *Copy.* $31\frac{1}{2}$ *pp.* [*C.O.* 23, 2. *ff.* 39, 40*v.*, 41, 43–58*v.*, 59*v.*]

Sept. 20. N. Providence. **294.** Governor Phenney to the Duke of Newcastle. Begins as preceding covering letter. *Concludes* :—I am at a great loss for want of advices from home, it being near ten months since we had a vessel from England. *Prays for* His Grace's protection. *Signed,* G. Phenney. *Endorsed,* Rd. 25th Jan., 172$\frac{6}{7}$. 1 *p.* *Enclosed,*

294. i. Duplicate of *No.* 293. i. [*C.O.* 23, 13. *ff.* 428, 429*v.*, 430*v.*, 431.]

Sept. 21. Chevening. **295.** Wavell Smith to the Council of Trade and Plantations. Requests that they will make good the omission in their report upon his petition, which does not mention the employment of a private Secretary by Governor Hart in the business of the Government. Evidence was given to the Board on this point *etc.* *Signed,* Wavl. Smith. *Endorsed,* Recd. 24th Sept., Read 19th Oct., 1726. *Addressed.* $1\frac{3}{4}$ *pp.* *Enclosed,*

295. i. Deposition of William Fetherstonhaugh of St. James, Westminster, 24th Nov., 1725. Deponent acted as private Secretary to Governor Hart in Antigua, Montserrat and Nevis, signing grants and public documents and receiving fees for the same. John Barker, the Governor's brother-in-law acted likewise as his Secretary, *etc.* *Signed,* W. Fetherstonhaugh. 1 *p.*

295. ii. Order by Governor Hart to the present possessors of the late French lands in St. Kitts to bring in their grants for renewal, St. Christophers, 9th June, 1722. *Signed,* by H.E.'s command, W. Fetherstonhaugh. *Copy.* $\frac{3}{4}$ *p.* [*C.O.* 152, 15. *ff.* 286–287*v.*, 289*v.*]

1726.
Sept. 21.
Cheevening.

296. Wavell Smith to Mr. Popple. Sends evidence to induce the Board to advise the repeal of the Act of St. Kitts, 1724, reducing many fees of his office and taking others entirely away and giving them to the Chief Justice and a new officer called Judge's Clerk *etc.* His stay in England is purely on account of his awaiting, after two years solicitation, a determination of this matter and of the question of the private Secretary *etc.* (*v. preceding*). *Signed,* Wavl. Smith. *Endorsed,* Recd. 24th Sept., Read 19th Oct., 1726. 3 *pp.* [*C.O.* 152, 15. *ff.* 290–291*v.*]

Sept. 21.

297. Mr. Dummer, Agent for the Massachusetts Bay, to Mr. Popple. In obedience to their Lordpps. commands I have had a meeting with Mr. Newman to discourse about the boundaries, but we can't as yet lay anything regularly or fully before their Lordpps., because the Committee appointed to give me instructions on this subject, have not yet dispatcht them. In the mean time I find that on 28th of June last both Houses of the General Court appointed Commissrs. to treat with Commissrs. from New Hampshire in order fully to adjust the difference between them, which is afterwards to be laid before the respective Assemblys for their information, and then before H.M. for his Royal approbation. As this seems the most rational as well as amicable method to setle the divisional line, so it will save their Lordpps. a good deal of trouble. There came in a ship from Boston yesterday, who met my brother at sea returning from Casco Bay, and he brings advice, that the peace was concluded with all the tribes of the Indians, and the ratifications mutually exchang'd. *Signed,* Jer. Dummer. *Endorsed,* Recd. 22nd Sept., Read 19th Oct., 1726. 1½ *pp.* [*C.O.* 5, 869. *ff.* 351, 351*v.*, 352*v.*]

Sept. 22.
Whitehall.

298. Duke of Newcastle to President Carter. *Acknowledges* letter of 25th July and *refers to* H.M. sign manual of 12th July *q.v.* *Concludes* :—As the Government was then intended to be put into your hands, H.M. is very well satisfyed, that, upon this occasion of [*Col. Drysdale's*] death, it should for the present remain so, not doubting but you will do everything in your power to promote H.M. service and the good of the Colony. *Signed,* Holles Newcastle. [*C.O.* 324, 35. *p.* 282.]

Sept. 23.
Whitehall.

299. Duke of Newcastle to President Ayscough. *Acknowledges* letter of 14th July "received a few days ago" *etc.* *Continues* :—H.M. is very well pleased with the assurances you have given of your care and vigilance in the discharge of the trust reposed in you, which is the more necessary during the present unsettled state of the island, till such time as the Revenue Act and the laws depending on it shall be confirmed : and as the settling this matter is of

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very great importance to H.M. service and the interest and security of the island, I am to recommend it to you in a particular manner to pursue the Instructions, which have lately been transmitted to the Duke of Portland for that purpose. *Refers to letters and orders* of 7th July and 18th Aug. *q.v.* *Continues*:—But the ship, by which these last letters were intended to go, being not yet sailed, you will not receive them, till this letter comes to your hands, which I thought proper to mention to you, to obviate any mistakes that might happen upon your receiving orders addressed to the Duke of Portland, at the same time that I write to you, as having the Government for the present entrusted to you; you will easily conceive that the not addressing the orders immediately to yourself was only to save time, and to avoid the forms, which they must otherwise have passed through before H.M. in Council: and since H.M. present sentiments with regard to those orders are the same as when they were first signified, there seems to be nothing farther necessary, than what I have now done, in explaining the matter *etc.* With your letter I received an Address of the President and Council to H.M., which he was pleased to receive very graciously, and they may be assured, that H.M. will not be wanting on his part to give them all due marks of his favour and protection. As to your own particular I wish you all good success in the trust which is devolved on you, and I question not but so long as it shall be continued to you, you will discharge it with a due regard to H.M. Instructions and the good of your country. *Signed*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 283–285.]

Sept. 25.
Province of New Hampshr.

300. Lt. Governor Wentworth to the Council of Trade and Plantations. *Refers to* letter of 17th March, "since which little hath occurr'd; a little vessell hath been seazed by our Collecter for breach of Acts of Trade in bringing Corseco wines to this port *etc.*, and the rattification of a peace with the Indians, and all (? *though*) this Province was not so emediatly concern'd in the reasons of the war yet we were verry willing to joyn with the Massechusets in makeing the peace. The greate [? *reason*] the Indians gave for makeing the war was our makeing new settlemts. up there rivers which obstructed there fishing and hunting twenty or thirty leagues eastward, which this Province had no hand in it, *etc.* *Refers to copy of ratification sent by Lt. Gov. Dummer, v.* 22nd Aug. *Continues*:—I hope this peace will bee lasting. The small number of French that are on our sea cost will be allway doing what they can to disturb our peace as well [*as*] the Jesuits allso. *Encloses* Minutes of Council to 21st May, and the year's expence of gunpowder. *Continues*:—And when I come to mention gunpowder I do with greatist submition renew my petetion, which has been spread before your Lordships about four years, and has been reported to other great Ministers of State in our favour for which we crave leave to most humbly thank your Lordships, and hope finaly to obtain, we being in extreem want *etc.* That and the settling the lynes betwen this and the Massechusets Government will greately sett us to rights. I would gladly walk on my hands and knees seven miles to have it accomplished, such is the hardship at or near our lyne that it is not to bee boarn, nay they have been makeing settlemts. six miles to the norward of there lyne in some places *etc.* I have no sinester ends to serve but purely the bennifit of the publick *etc.* What I wrote the 17th March I very much undersaid destruction of mast trees. I then advised of upwards of 12,000 logs cutt from Dec. to March. I say more then 17,000 *etc.* *Signed,* J. Wentworth. *Endorsed,* Recd. 17th Dec., 1726, Read 8th June, 1727. 3½ *pp.* *Enclosed,*

300. i. Account of stores of war in Fort William and Mary, N.H., 28th May 1724–1726. *Signed,* J. Wentworth. *Endorsed,* Recd. 17th Dec., 1726. 2½ *pp.* [*C.O.* 5, 869. *ff.* 437–438*v.*, 439*v.*–441*v.*]

Sept. 29. **301.** Petty expences of the Board of Trade Midsummer to Michaelmas, 1726. £113 13*s.* 6*d.* Stationery, £64 18*s.* 9*d.* Postage, £33 11*s.* 0*d.* Wood and coals, £33 1*s.* 5*d.* *Endorsed,* Read Jan. 10, $172\frac{6}{7}$. 5½ *pp.* [*C.O.* 388, 78. *ff.* 151, 152*v.*, 155–156*v.*, 159, 159*v.*, 161, 162*v.*]

Sept. 29. Kensington. **302.** H.M. Warrant to John Mulcaster, for returning H.M. part of a forfeiture (*v.* Sept. 14th) to the Government of the Bahamas *etc.* *Countersigned,* R. Walpole, Cha. Turner, Geo. Dodington. [24, 1. *pp.* 91, 92.]

Oct. 2. Jamaica. **303.** President Ayscough to the Council of Trade and Plantations. *Acknowledges* letter of 6th July and H.M. commands with the draught of the Revenue bill and bill for perpetuating the laws. *Continues :*—Some days before I received these dispatches I had with the advice of the Council prorogued the Assembly to the 18th instant ; but have since issued a Proclamation commanding their attendance at that time on the most important affairs ; and at their meeting I shall not fail to represent to them H.M. unparall'd goodness and condescension in parting with his patrimonial Revenue here for their welfare and defence, and confirming to them their laws for perpetuity. By what I can hitherto judge of the draught of this bill, there can be but one objection made to it by the Assembly, and that is the latter clause in it which provides for the two Independent Companies, which some say is intailing upon us a military force to perpetuity, whereas the people of England only provide for the forces there from year to year ; but at their meeting I shall, in the most moving and pressing

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terms I am capable of, endeavour to persuade them to accept of this draught in the manner H.M. has now been pleased in so condescending a manner to approve, and which is so apparently for their own advantage and security that I am in hopes they will waive their objection, when they seriously consider the great benefit that will accrue to them by having their laws made perpetual, and H.M. Revenue here appropriated to their own support for ever. *Encloses answers to Queries. Continues*:—The Naval Officer and Collector of Customs have not yet returned to me their accots., tho' several times required; and as for an exact list of the Militia, I shall give fresh orders to the several Colonels to transmitt them as soon as possible, *etc.* The Naval Officer informs me that a correct list of negroes imported since 1707 will be difficult to make out by reason many of the books of his Office have been destroyed in the late hurricane *etc.* I shall carefully observe what your Lordships mentioned with respect to the conveyance of letters: This goes by H.M.S. the *Kingsale*, Captn. Garlington Commander, who convoys the *Royal George*, a ship belonging to the South Sea Company. By the last advices we had from Admiral Hosier, he was still lying with his squadron at the Bastamentas near Portobell; and that noe blows had yet happen'd. The Island is at present healthy and everything in perfect peace and tranquility. *Signed*, J. Ayscough. *Endorsed*, Recd. 3rd, Read 28th April, 1727. 3 *pp.* *Enclosed*,

303. i. Replies to Queries by the Board of Trade. (1) The trade of this Island arises from imports from Great Britain, Ireland, Madera, Guinea and the Northern Colonies. The imports from Great Britain are such commodities as are most consumed by the inhabitants, or are vendible with the Spaniards and reexported; those from Ireland provisions for the inhabitants and shipping, or sent to the Bay of Honduras. From Madera, wines: from Guinea negroes, purchased by the planters for their sugar works or exported by the South Sea Agents to make good the Assiento contract with the Spaniards, of the best sort; others re-exported by the private traders of the middling and lower sorts to the Spaniards and French, and very few to the Northern Colonies. From the Northern Colonies are imported and consumed in Jamaica:—From New England, lumber, oyle, ordinary fish and herrings; from New York and Pennsylvania, flour and lumber; from Virginia and Carolina, pork, Indian corn, beef, rice and lumber. Exports to Great Britain *etc.* are the produce of the country, vizt. sugar, rum, cotton, indigo, piemento, ginger, fustick and other goods. Logwood, the produce of the Bay of Honduras, indigo, the produce of our

trade to Hispaniola, snuff, cocoa, some indigo, cochinele, gold and silver, the returns on the Spanish trade by the South Sea Agents and private traders. (3) The Island has no trade with foreign Plantations except sometimes cocoa from Curaçao either in our own vessels sent there with rum, or in some Northern vessel as barter for their provisions or lumber carried there. (4) *Illegal trade.* Of late several Dutch and French ships have put in here for necessaries; but, notwithstanding all the care that has been used, and the instructions given to the country's guard sloop, we have not been able to prevent their running of goods; for when they go out of a port or before they come in, they go into distant places where there is no sufficient strength, nor any fortifications; by which means it is believed they have conveyed considerable quantities on shoar. (6) All attempts to discover mines have proved ineffectual. (9) There has been very little difference as to the number of the inhabitants for some years past, but H.M. confirmation of the Act *for encouraging white people to come over and become settlers etc.* will be a great encouragement *etc.* (11) Fort Charles at Port Royal is the principal fortress, and at present in a better state of defence than ever, tho' as yet not finished. The second is called the Rock Fort, upon the Harbour of Kingston, about 6 miles to the eastward of that town, a pass of great consequence, as it secures the communication from the easter most parts of the Island to the heart of the country. The third is at the westermost side of Port Morant Harbour. The fifth is at Carlisle Bay, called Carlisle Fort. The last four are greatly out of repair, having received much damage by the late storms; but are intended to be repaired immediately after the fortifications at Port Royal are finished. (12) The French at Hispaniola, the Spaniards at Cuba, Porto Rico and their parts of Hispaniola, grow more formidable every day, by their neglecting no opportunity whatsoever to encourage the increase of their inhabitants. (13) The French increasing in their settlements in Hispaniola, may in time have a very ill effect on this Island, as it lies directly to the windward thereof. The Spaniards also ought to be taken notice of, for fitting out ships and vessels under pretence of guarding their own coasts in the West Indies, which constantly take our ships and vessels coming from Great Britain, and the Northern Colonies, and on their return from hence are carried into their respective ports and there condemn'd as lawful prize,

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tho' taken in a piratical manner. (14) The Revenue as it now stands will amount to about £8000 pr. annum, and is all appropriated to support the contingent charges of the Government *etc.* (15) The number of acres already granted by the Crown *etc.* and what remains ungranted, is at present impracticable to be known. (17) *States* civil and military establishments *etc. Other replies are referred to accounts to come from the Naval Officer and Collector of Customs. Endorsed as covering letter.* 9 *pp.* [*C.O.* 137, 16. *ff.* 353–359, 360*v.*]

Oct. 2. Jamaica. **304.** President Ayscough to the Duke of Newcastle. *Acknowledges* letter of 7th July and repeats part of preceding covering letter. *Signed,* J. Ayscough. *Endorsed,* R. 1st April, 1727. 2½ *pp.* [*C.O.* 137, 52. *ff.* 292–293*v.*]

Oct. 7. So. Sea House. **305.** D. Wescomb to Mr. Popple. Encloses following to be laid before the Board. *Signed,* D. Wescomb. *Endorsed,* Recd. 8th, Read 19th Oct., 1726. 1½ *pp. Enclosed,*

305. i. Court of Directors of the South Sea Company to the Council of Trade and Plantations. 6th Oct., 1726. Enclose certificate of duties paid by the Company or charged to their account upon negroes exported from and imported into Jamaica, 1721–1725. The duties complained of are continued, and the relief formerly given with respect to negroes imported for refreshment only is also in effect taken away for the last and present years, there being a proviso in the Acts that no negro shall be deemed to be brought into Jamaica for refreshment, in case any part of the ship's cargo be landed or sold there; neither of which, in the nature of the Company's trade, can be avoided. *Pray that* said duties may be refunded, the Acts complained of not having been approved of and contrary to H.M. Order in Council 9th Jan., 1717, and Instructions *etc. Signed,* D. Wescomb. 2 *pp.*

305. ii, iii. Certificate and accounts referred to in preceding. *Signed,* Charles Lloyd, Receiver General; Richd. Rigby, Edwd. Pratter, Agents to the Royal British Assiento Company. 7 *pp.*

305. iv. Memorandum by the South Sea Company. *Suggest that* the Governor of Jamaica may be instructed to admit appeals in all cases where the Company is concerned. In the case of duties on the Company's negroes, no one action may ever reach the value at present allowed to be appealable, though the consequence of the determination affecting all ships, may affect the Company in ten times its value *etc.* If

appeals were so allowed, it might check the repeated practice of passing laws so directly opposite to H.M. Instructions. 1¼ *pp.* [*C.O.* 137, 16. *ff.* 277–282, 284, 284*v.*, 286*v.*]

Oct. 13. **306.** Commodore Bouler's replies to Heads of Enquiry relating to the Newfoundland Fishery. *The answers are practically identical with those for* 1725 (*v.* C. S. P., 10th Oct., 1725) *with following variations*:—(xxiii) The price of fish was this year in most places five ryalls a quintall dearer than the Bank fish. (xxiv) There are no persons to administer justice during the winter season, except at Placentia and Canso. (xlvi) The Admirals of the fishing ships seem more diligent in their shops and storehouses ashore than in taking and curing of fish, however the cheife reasons of the fish being not so good as it used to be, is that the fish do not come in so early as heretofore so that the great part of the summer season being over the latter part is most attended with wet, and that prevents their being thoroughly cur'd. I cannot find there is any abuse in the ordering thereof, nor is there any method (in my opinion) to be taken to make them better. *Signed*, E. Bouler. 26 *pp.* *Annexed*,

306. i. Scheme of the Newfoundland Fishery for 1726. *Totals*:—Number of ships, 167 (70 American); burthen, 11,774; men belonging thereto, 2339; passengers, 1497; boats kept, 735; by-boatmen, 1535; fish made, 173,770 quintals; fish carried to foreign markets, 173,770; salmon, 900 teirces; train-oil, 861 tons. Prices of fish 32 to 27 ryals, salmon £2 5*s.* 0*d.* pr. tierce; train oil, £10 to £13 pr. tun; value of seal oil made last winter, £6305; value of furs taken by inhabitants, £1900; number of train fats and stages, 449; number of families who kept houses, 419; number of inhabitants, 3617; of which remained in the country last winter, 2992; births, since departure of last convoy, 61; deaths, 26. 4 *pp.* *The whole endorsed*, Recd. 13th Feb., Read 3rd May, 172$\frac{6}{7}$. [*C.O.* 194, 8. *ff.* 27–39*v.*, 41*v.*–43, 45*v.*]

Oct. 14.
New York. **307.** Governor Burnet to the Duke of Newcastle. *Encloses* following, *and repeats part. Concludes*:—I have lately met the Indians at Albany, where I have taken all the measures that I could think of, to preserve their fidelity to H.M. I shall send a copy of my transaction with them as soon as it can be prepared, it being much longer than usual and requiring to be first translated from the Dutch in which the Interpreter always repeats what the Indians say *etc.* *Signed*, W. Burnet. *Endorsed*, Rd. Dec. 3rd. 2 *pp.* *Enclosed*,

307. i. Duplicate of *No.* 308. [*C.O.* 5, 1092. *Nos.* 50, 50 i; *and* (*without enclosure*) 5, 1085. *No.* 58.]

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Oct. 14.
New York.

308. Governor Burnet to the Council of Trade and Plantations. *Transmits,* with comments, 20 Acts passed in New York on 17th June; with sessional papers, and Naval Officer's accounts for Perth Amboy. *Continues* :—When the Assembly had ended their business I thought it proper to dissolve them because they had not now granted H.M. Revenue in so ample and honourable a manner as they had done formerly. Besides they had subsisted during the term of eleven years, and I found it would highly please the people to have a new choice. The new Assembly met 27th Sept. *etc. Encloses* his Speech and their reply. *Continues* :—There has been no session of the Assembly held in New Jersey this year, but early in the spring I am to meet them. *Set out,* N.Y. Col. Docs. V. *pp.* 781–783. *Signed,* W. Burnet. *Endorsed,* Recd. 4th, Read 8th Dec., 1726. 7 *pp. Enclosed,*

308. i. Governor Burnet's Speech to the Assembly of New York, 27th Sept., 1726, with their reply. *Endorsed,* Recd. 4th Dec., 1726. *Printed.* 4 *pp.* [*C.O.* 5, 1054. *ff.* 33–38*v.*]

Oct. 14.
New York.

309. Governor Burnet to Mr. Popple. *Refers to* enclosures as above. *Concludes* :—I am gathering accounts in answer to the querys in your last *etc. Signed,* W. Burnet. *Endorsed,* Recd. 4th, Read 8th Dec., 1726. 1 *p. Enclosed,*

309. i. List of enclosed Acts referred to above. *Endorsed,* Recd. 4th Dec., 1726. 2½ *pp.* [*C.O.* 5, 1054. *ff.* 29, 30*v.*–32*v.*]

Oct. 19.
Whitehall.

310. Council of Trade and Plantations to the Honble. Jno. Ayscough, President of the Council and Commander in Chief of Jamaica. *Reply to* 14*th July q.v. and acknowledge Address. Continue* :—We have no reason to doubt but that you will do whatever in you lies to promote the publick service, pursuant to H.M. Instructions. [*C.O.* 138, 17. *p.* 105.]

Oct. 19.
Whitehall.

311. *Same* to Mr. Carter, President of the Council of Virginia. *Acknowledge* letter of 25th July *etc. Conclude* :—Wee have no reason to doubt but that you will doe whatever in you lies, to promote the publick service, pursuant to H.M. Instructions. [*C.O.* 5, 1365. *p.* 304.]

Oct. 22.
Philadelphia.

312. Lt. Governor Gordon to the Duke of Newcastle. I no sooner had the honour of your Grace's commands than I made enquyrie for the children of Coll. Bonar and have found three of them two boys and a girle and have sent them over by this ship to Baron Spar. *Thanks* his Grace for his goodness to him, *etc. Signed,* P. Gordon. *Endorsed,* Rd. Dec. 24. 2 *pp. Holograph.* 2 *pp.* [*C.O.* 5, 1234. *No.* 8.]

1726.
Oct. 24.

313. Copy of grant by the Lords Proprietors of 1000 acres in South Carolina to Thomas Taylor of Dublin, at a quit-rent of 12*d.* pr. 100 acres yearly, "he having satisfied us of his intentions and designs to transport himself and to carry over with him several planters handicrafts artificers and other persons of his own proper costs and charges." *Signed,* Carteret, Beaufort, Craven, Ja. Bertie, Hen. Bertie, J. Colleton. [*C.O.* 5, 290. *pp.* 251, 252.]

[Oct. 25.]

314. Mr. Dummer to Mr. Popple. *Encloses* votes of Assembly, "and desire you'l excuse the dirtyness of them, having been forc'd to borrow them, my own being lent to a Gentleman, who happens this time to be out of town." *Signed,* Jer. Dummer. *Endorsed,* Recd. 25th Oct., Read 2nd Nov., 1726. $\frac{3}{4}$ *p.* [*C.O.* 5, 869. *ff.* 353, 354*v.*]

Oct. 25.

315. Grant by the Lords Proprietors of S. Carolina of four Baronies, of 12,000 acres each, surrendered by Thomas Lowndes, to Isaac Lowndes, Charles Edwards, John Beresford, and Thomas Lowndes. *Signed,* Carteret, P. Beaufort, Craven, Ja. Bertie, Hen. Bertie, John Tyrrel, J. Colleton. *Copy.* [*C.O.* 324, 49. *ff.* 69–71.]

Oct. 31.
Kensington.

316. H.M. Warrant to Attorney and Solicitor General to prepare a bill for a Commission to the Bishop of London for exercising ecclesiastical jurisdiction in the American Colonies. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 298–309.]

Nov. 1.
Spanish
Town,
Jamaica.

317. President Ayscough to the Council of Trade and Plantations. *Encloses* duplicate of Oct. 2nd *etc.* The Assembly met the 18th past *etc.* *Refers to* Speech enclosed. *Continues:* I persuade myself your Lordships will be of opinion that I have enforced H.M. commands in as full and clear a manner as possible; but I have not yet been so happy to receive an answer from them on that subject; This perhaps may in some measure have proceeded from the general consternation a late terrible calamity has put us under, for on the 22nd day of October last a most dreadful hurricane happened here which has laid waste many houses and plantations and destroyed the greatest part of the shipping which were then in our harbours *etc.* (*v.* enclosure ii); there were but two ships that escaped the storm without damage, one rode it out at the North part of the Island, the other at the Leward part thereof; this letter goes by the former, being very desirous your Lordships should have the earliest account of this melancholy news, the King's house and other publick buildings in this town are very much shattered, tho' the fortifications on Port Royal have not suffered so much as in the former [hurricane; neither has this storm been so general throughout the Island, as the former]* ; but in such parishes where it happened to light, it has done vast mischief *etc.* By the next ship which probably will sail in ten days, I shall give your Lordships my sentiments concerning the Assembly's proceedings in relation to the draught of the bill for perpetuating their laws, and should they not in a few days give some answer to H.M. gracious recommendations I shall again remind them of their duty. *Signed,* J. Ayscough. *Endorsed,* Recd. 10th, Read 13th Jan., $172\frac{6}{7}$. 2 *pp.* *Enclosed,*

317. i. Copy of the Weekly Jamaica Courant, with News Foreign and Domestick. Oct. 26th, 1726. *Contains* the President's Speech to the Assembly, 18th Oct. *Printed* by M. Baldwin. *Price* One Bit *etc.* 4 quarto *pp.*

317. ii. Copy of Same, Nov. 2, 1726. Contains a poem to the Goddess Liberty on the Anniversary of King William's landing *etc.*, and an account of the Hurricane and list of ships lost and stranded *etc.* 4 *pp. as preceding. Nos.* i, ii, *endorsed as covering letter.* [*C.O.* 137, 16. *ff.* 327, 327*v.*, 328*v.*–332*v.*, 333*v.*]

Nov. 1. Spanish Town, Jamaica. **318.** President Ayscough to the Duke of Newcastle. *Repeats* part of preceding covering letter *etc.* *Signed,* J. Ayscough. *Endorsed,* R. 16th Jan. *Enclosed,*

318. i, ii. Duplicate of *Nos.* i, ii preceding.

318. iii. Naval Officer's Account of the loss of shipping in the hurricane of 22nd Oct. 2 *pp.* [*C.O.* 137, 52. *ff.* 294, 295*v.*, 296–299*v.*, 300*v.*, 301.]

Nov. 2. Whitehall. **319.** Mr. Popple to Mr. Fane. *Encloses,* for his opinion in point of law, Excise Act of Barbados, 1726. [*C.O.* 29, 14. *p.* 428.]

Nov. 2. Whitehall. **320.** *Same* to *Same.* *Encloses,* for his opinion, Act of St. Christophers, 1724, *for establishing a Court of King's Bench and Common pleas etc.*, and *settling certain fees etc.*, and the complaint of Mr. Smith, Secretary of the Leeward Islands, that it takes away several fees belonging to him *etc.* My Lords Commissioners would also have your opinion, supposing Mr. Smith's allegations to be true, what effect the repeal of this Act would have upon the constitution of St. Christophers. [*C.O.* 153, 14. *p.* 229.]

Nov. 4. Kensington. **321.** Order of King in Council. Referring to Committee of Privy Council Act of Antigua *for selling certain lands of Andrew Murray,* and representation thereon of 8th Sept. *Signed,* Temple Stanyan. *Endorsed,* Recd. 8th, Read 10th Nov., 1726. 1 *p.* [*C.O.* 152, 15. *ff.* 302, 303*v.*]

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* These words are inserted from the duplicate received later.

1726.
Nov. 4.
Kensington.

322. Order of King in Council. Referring to Committee representation of 31st Aug., on boundaries of Virginia and N. Carolina. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 5, 1320. *ff.* 86, 87*v.*]

Nov. 7.

323. Mr. Fane to the Council of Trade and Plantations. *Reply to* 2nd Nov. Has no objection to Excise Act of Barbados. *Signed,* Fran. Fane. *Endorsed,* Recd. 9th, Read 10th Nov., 1726. 1 *p.* [*C.O.* 28, 18. *ff.* 314, 315*v.*]

Nov. 9.
Whitehall.

324. Mr. Popple to Lt. Gov. Dummer. There has lately been referr'd to my Lords Commissioners a petition desiring the divisional line between the Massachusets Bay and N. Hampshire may be settled, my Lords would have immediately reported their opinion to His Majesty, as they conceived the bounds to be sufficiently described by the Charter, but that they observed by the votes of 28th June last, that Commissioners were appointed to determine the said line. *Requests* an account of the resolution of said Commissioners as soon as possibly may be *etc.* [*C.O.* 5, 915. *p.* 477.]

Nov. 9.
Whitehall.

325. *Same* to Lt. Governor Wentworth. To same effect as preceding. [*C.O.* 5, 915. *p.* 477.]

Nov. 9.
Whitehall.

326. Mr. Popple to President Ayscough. Encloses copies of Queries sent to the Duke of Portland, 31st March, 1724, and desires answers as soon as possible. [*C.O.* 138, 17. p. 110.]

Nov. 9.
Kensington.

327. H.M. Warrant granting leave of absence for six months to Governor Hart. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 286, 287.]

Nov. 9.
Kensington.

328. H.M. Warrant dismissing Edmund Sutton from the Council of Barbados. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *p.* 287.]

Nov. 10.
Whitehall.

329. Duke of Newcastle to Governor Worsley. *Acknowledges* letter and examination *etc.* of 27th April, relating to Mr. Sutton. *Continues* :—The consideration of that affair having been recommended to you by order of the late Lords Justices in Council, I have ordered the answer returned by you to be lodged in the Council Office, as proper for H.M. determination in Council, when the case of Mr. Hales and Mr. Hodges comes to be considered there. However as in your letter to me you refer to several particulars contained in the said examination and verified in the course of it, whereby it appears, that Mr. Sutton has been guilty of divers indirect practices, in order to injure you in your reputation and that he is in other respects by no means proper to be continued in the Council; I have therefore represented him in that light to H.M., who is so thoroughly perswaded of your personal honour and integrity, as well as of your zeal for his service and the good of his subjects under your Government, that he has been pleased to order the sd. Mr. Sutton to be forthwith removed from the Council and accordingly I herewith transmit H.M. warrant *etc.* (*v. preceding*). As to the other part of your complaint which relates to the Commission of the Peace, it is left to you to act therein as you shall judge proper according to the power given you by your Commission. *Acknowledges* letter and enclosures of 22nd Aug. *Signed*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 288, 289.]

Nov. 10. New Providence.

330. Governor Phenney to the Council of Trade and Plantations. *Encloses* Custom House papers. *Continues*:—There has been no vessel arriv'd from England tho' long expected, which makes me at a great loss in regard to those particulars I wrote *etc.* (*v.* Jan. 28), more especially for want of carriages for the great guns and other stores of war, of which I am in the greatest necessity being impossible to supply myself here. Last night Mr. William Lyford mariner and one of our inhabitants arriv'd here having privately got away from the Havana in a small piragua who gives me an account that the Admirals Castiagnetto and Serrano are in that harbour with ten ships of war from 70 to 50 guns and about 14 merchant vessels from 36 to 24 guns; and that a Barbadoes sloop commanded by one Craggs sending in her boat to the Havana they sent out and brought in the sloop and detaind her in that port when he came away; and that the *Bellamont* and *Success* English vessels are also detain'd there where they have made a new chain for the entrance of the harbour and are mounting cannon on new batterys on both sides to secure the port *etc.* *Signed*, G. Phenney. *Endorsed*, Recd. 16th, Read 18th Jan., 172$\frac{6}{7}$. 1 *p.* [*C.O.* 23, 2. *ff.* 35, 36*v.*]

Nov. 10. New Providence.

331. *Same* to the Duke of Newcastle. Duplicate of preceding, *mutatis mutandis*. *Signed*, G. Phenney. *Endorsed*, R. 13th Jan. 1 *p.* *Enclosed*,

331. i. List of vessels entered and cleared, N. Providence, 25th March—29th Sept., 1726. *Signed*, Jno. Warner, Nav. Offr. 8 *pp.* [*C.O.* 23, 13. *ff.* 432, 433*v.*, 434*v.*, 435, 436*v.*, 437, 438*v.*, 439, 440*v.*, 441; *and* (*duplicate of covering letter*) 508.]

Nov. 10. Barbados.

332. Governor Worsley to the Duke of Newcastle. I have received the honour of your Grace's letter of the 7th of July last, and I most humbly ask your Grace's pardon for sending to your Grace the examination in relation to Messrs Hales and Hodges *etc.* (*v.* 27th April). *Continues*:—Your Grace's kind intention to attend the Council, in relation to the information

I had the honour of sending your Grace concerning Mr. Sutton, when his examination should come to be heard there, and your Grace's great goodness in being so well satisfied with my endeavours to give your Grace the best information from hence, that you had been pleased to represent it to H.M., are such instances of your Grace's favour, as will always demand my most gratefull acknowledgements. Assoon as I received the Judge of the Admiralty's report in relation to Julien de Lyon and Jean Boujé, I ordered them to be released, and they are gone to Martinico, the effects they told me belonged to the Corisco Company, therefore I keep them till they shall demand them, having already, above six months since, taken care they should be advised of it; what made me confine these persons was for running away with the sloop, which de Lyon pretended to be Captain of, tho' he could shew me no Commission, or other clearances, which I considered to be an act of piracy. In relation to the French's pretensions to Sta. Lucia, St. Vincent, Dominico and Tobago, I shall take particular care to do nothing upon that head, that can give the least grounds of complaint. The Agents for this Government having advised me, that, when they were heard before the Committee of the Council, in relation to the Bishop of London's jurisdiction here, the Bishop did averr that he had a letter from me in which I had sent him word, that I would not interfere in it; I think it my duty for my own justification to send your Grace here inclosed, a copy of some paragraphs of letters and answers which passed between his Lordship, and myself in relation to his jurisdiction. Upon the Bishop's first proposition, which your Grace will see, allowed of an appeal here and that to be final, I believe I did write to his Lordship, that I would not interfere in it, but when the Bishop of London altered his scheme, I sent his Lordship word, that I dreaded the consequences of it, and wrote to the Agents to be upon their guard; for as there is no appeal here, the Bishop's jurisdiction as to this Government is an independent coercive one, and I am afraid may occasion great uneasiness and disquiet to the persons subject to it; as well as to the Government, besides the influence such an independent jurisdiction will have in the annual elections of Assembly men, and even at present I find a great deal of difficulty in the managing them; I am most humbly of opinion, these inconveniencys would be prevented were there an appeal allowed of here to the Governour and Council, and some of the Clergy, and that not to be final, as the Bishop of London proposed, but from thence an appeal to H.M. in Council. If I have presumed to give my sentiments of it, I most humbly ask pardon, the great difficulty I find in maintaining peace and quiet here, makes me very apprehensive of any alteration in this Government, which I fear too many would be glad of, to return to their late divisions, and confusion. In my last (*v.* 22nd Aug.)

I had the honour of advising your Grace of the alterations this years Assembly had made in relation to the Attorney General and Agents; I find they thought the Agents were negligent in solliciting the continuance of the duty that was laid upon the English liquors, of which no notice was taken after H.M. order in Council arrived here, till last summer, when Mr. Waters the Knight of the Shire for Surrey, arrived here, who, as I am told, did insinuate as if the Agents had been negligent upon that head; in that Jamaica has the liberty of laying a duty on English liquors, tho' that Island does not pay the 4½ pr. cent. Mr. Waters upon his going off for England, encouraged some gentlemen to try to recover the 4½ pr. cent for the uses in this Island it was at first granted, in 1663, that is, for the maintaining the honour and dignity of H.M. authority here, the publick meeting of the Sessions, the often attendance of the Council, the reparation of the forts, the building a Session house, and a prison, and other publick charges; The last year I prevailed with the Assembly to lay a tax of 7½*d.* pr. head for every negro in this Island for two years, for the building of a magazine, for the powder, and an armoury in St. Ann's Castle (the magazine before being in town) as also for another building in the town, in which there will be a Council Chamber, and another for the Assembly, a very large room for the holding the Grand Sessions, where the Courts of Law and Equity will sit, and a very strong and convenient prison; so that almost all the uses for which the duty of 4½ pr. cent was laid, will be provided for, except the repairing the forts, which are almost ruined, as well as the great guns and carriages; But if H.M. would be most graciously pleased to grant to this Island the same favour of laying a duty upon English liquors, as it is said, H.M. has to Jamaica, provided the money that should arise from that duty, was applicable only to the fortifications, and for ye providing great and small arms, and other warlike stores, and that money to be issued in the same manner as the other publick money is; I am most humbly of opinion, this would be a sort of an equivalent for the 4½ pr. cent. and the most necessary uses for which that duty was granted, will be provided for, and I am sure it will tend very much to the safety of this Island. *Encloses* accounts of negroes imported, 1708–1726. *Signed,* Henry Worsley. 9 *pp. Enclosed,*

332. i. Account of Stores of War, Barbados, 1726. *Signed,* Wm. Leslie. *Copy.* 1 *p.*

332. ii. Extracts from letters between the Bishop of London and Governor Worsley relating to the Commissary's Jurisdiction.

(*a*) Bishop of London to Governor Worsley, 28th July, 1724. I cannot see where the danger could be if the Commissary had a power to exercise jurisdiction (especially over the Clergy and in things which more immediately concern the decent performance of publick worship) in case an appeal were provided, to a Court of Delegates there, consisting of the Governour, some of the Council, and two or three of the Clergy, of that Island, and that to be final. This (which is the form of the Court of Delegates in England) would remedy the endless inconveniencies of sending appeals hither, and at the same time would save the King's supremacy in ecclesiastical causes, inasmuch as the Delegates would act by immediate commission from him.

To which the Governour believes he might have answered (the copy of his letter being mislaid) that he could not interfere in it.

(*b*) *Same* to *Same*, 21st June, 1725. Refers to his Memorial to H.M. concerning his jurisdiction in the Plantations, now under consideration. *Continues* :—Though I am very far from grasping at power, yet if they should not think fit to give me, at least, so much as may have a face of regular jurisdiction, and justifie the *name* of Ordinary over the Plantations, I shall have nothing to do but to quit both name and care and confine myself to my English jurisdiction, and I may fairly think my authority abroad at an end, if they do not give me full power at least to correct in a judicial way the lives and manners of the clergy, and to enforce a due provision of all such things as the laws require, for the decent performance of God's publick worship, with power to hold regular visitations in order to enquire into the crimes and defects abovementioned.

(*c*) Governor Worsley to the Bishop of London. 14th Nov., 1725. *Reply to preceding. Concludes* :—Although nobody can wish your Lordship greater powers *etc.*, than myself yet, in this particular, I dread the consequence of it. *Copies.* 1¾ *pp.* [*C.O.* 28, 44. *Nos.* 104, 104 i, 69.]

Nov. 10. Barbados. **333.** Governor Worsley to the Duke of Newcastle. Has received and will comply with His Grace's commands of 26th March last, " to use all proper and legal means that no injustice be done to Sr. Mathew Decker, in his prosecuting here Mr. William Gordon, Minister of Bridgetown, for a considerable summ of money " *etc. Signed,* Henry Worsley. 2 *pp.* *Enclosed,*

333. i. Duplicate of *No.* 332, ii. [*C.O.* 28, 44. *Nos.* 105, 105 i.]

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Barbados.

334. Governor Worsley to the Council of Trade and Plantations. *Acknowledges letter* of 6th of July. *Continues*:—The Order in relation to the Negro Act I immediately laid before the Council, and ordered a copy to be sent to the Assembly, that they might know how another may be regularly passed, and they are preparing a new one. *Repeats paragraph relating to prisoners released from No.* 332. *Continues*:—I do not find that any of my letters to your Lordships have miscarried, and that the Captains of the ships by whom I send them may take the more care of them, I always take a receipt *etc. Refers to enclosures. Signed*, Henry Worsley. *Endorsed*, Recd. 23rd May, Read 20th June, 1727. 3 *pp.* *Enclosed*,

334. i. Account of Negroes imported, Barbados, 4th March, 1708—16 Sept., 1726, by ships named: *Total*, 49,594. *Signed*, Jno. Chase, Cl. Com. Pub. accots. 8th Nov., 1726. *Endorsed as preceding.* 8¾ *pp.*

334. ii. Naval Officer's account of negroes imported 25th March 1708—1726. *Total*, 49,777. *Signed*, Sam. Wadeson, D. Nav. Offr. 5th Oct., 1726. *Same endorsement.* 9 *pp.* [*C.O.* 28, 18. *ff.* 318, 319*v.*, 321–329, 330*v.*]

Nov. 10.
Whitehall.

335. Council of Trade and Plantations to the King. *In reply to 9th Aug., await* the settlement of the boundaries of the Massachusets Bay and N. Hampshire by their Commissioners, which is to be laid before H.M. for his approbation *etc. cf. No.* 324. *Continue*:—But in the meantime being inform'd, that the inhabitants of these Provinces, are daily committing great waste in your Majesty's woods, and that by vertue of strained constructions, put upon the laws made here for the preservation of timber, fit for the service of the Royal Navy, they do assume to themselves a right of cutting down the same, within their townships, and do frequently lay out new townships for that end only; we would humbly propose to your Majesty till this right of boundary shall be finally determin'd by your Majesty, orders may be sent to the Governors of these Provinces to desist from laying out of any new townships and generally from making grants of any part of the land contested. And that the said Governors may be injoined to be aiding and assisting upon all occasions to your Majtys. Surveyor and his Deputies, in the execution of their Office for the preservation of the woods. The great destruction that has allready been committed in your Majtys. woods in these Provinces, especially in the parts most adjacent to water carriage, has render'd trees fit for masting the Royal Navy very scarce, and the constant disputes that have been between your Majesty's Surveyor, maintaining your Royal right of reservation on the one hand and the inhabitants theirs of townships and private property on the other, are strong proofs how difficult it is to preserve your Majesty's property in the said woods. For these reasons as well to avoid all occasion of dispute, as to secure a reserve of timber proper for the service of the Royal Navy, for future times, when we receiv'd your Majesty's orders to prepare Instructions for Colo. Phillipps, your Majesty's Governor of Nova Scotia, we propos'd that the said Governor should be restrain'd from granting any lands there, till 200,000 acres of wood should have been set apart for the service of your Royal Navy near the sea coast or navigable rivers wherein no person whatsoever should be permitted to fell any trees, without your Majesty's permission under the highest penalties. But as this has not yet been done, we think it our duty upon this occasion humbly to represent to your Majesty how necessary it is that the Surveyor Genl. of the Woods or in his absence your Majesty's Governor of that Province, should be directed without further loss of time to set apart the said 200,000 acres of land, your Majesty's service being greatly concern'd therein, as well for the preservation of the timber as for the peopling of that Province, which cannot be settled till the Governor shall be at liberty, to grant lands there under the restrictions and reservations in his Instructions for that purpose. Nova Scotia is a very valuable Province in many respects, it is capable of producing Naval Stores of many kinds in great quantitys; and the best Fishery in America is now on that coast, but your Majesty has at present no subjects settled there, besides a part of Col. Phillipp's Regiment, and some few inhabitants whom the advantage of the Canco Fishery has drawn thither; But the French have still near 3000 people settled in the heart of this Province, who according to the Treaty of Utrecht, ought long since either to have quitted the country, or to have taken the oaths of allegiance to your Majesty, both which they have hitherto refus'd to do; and will in all probability continue to do so till your Majesty's subjects there shall be strong enough to compel them to it. [*C.O.* 5, 915. *pp.* 478–482.]

Nov. 10.
Whitehall.

336. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*

336. i. *Same* to the King. Representation on Bahama Islands, recommending the grant of a supply of stores of war and that the Governor be empowered to call an Assembly *etc. Set out,* A. P. C. III. *pp.* 194–196 *q.v.*

336. ii. Account of Stores of War brought to the Bahama Islands by Governor Rogers and Governor Phenney, with what remained thereof Jan. 1st, 1726. [*C.O.* 24, 1. *pp.* 84–90.]

1726.
Nov. 12.
Bristol.

337. Sir Abraham Elton to the Council of Trade and Plantations. Recommends following case and requests the Board to order repayment of the duty *etc.* Sir Philip Yorke is also of opinion that the ship was not liable to said duty *etc.* *Signed,* A. Elton. *Endorsed,* Recd. 14th, Read 15th Nov., 1726. 1¾ *pp.* *Enclosed,*

337. i. Opinion of Sir Philip Yorke on the case of the *John and Betty* of Bristol, John Gale, master, which was moored in Rappahannock river, 10th June, with rum from Barbados, but was not reported at the Custom house till 14th or 15th:—Importation is accounted from the time of the ship's coming within the limits of a port with intent to lay the goods on land *etc.*, therefore if the place in Rappahanock river at which she was moored on 10th June was within the limits of the port, then the rum is not liable to the duty imposed by the Act *for laying a duty on liquors imported,* for the duty not commencing till *from and after 10th June,* there was no such duty in being at the time of this importation. 2nd Nov., 1726. *Signed,* P. Yorke. *Endorsed,* Recd. 14th, Read 15th Nov., 1726. 1 *p.* [*C.O.* 5, 1320. *ff.* 88–89, 90*v.*]

Nov. 14.
Spanish Town,
Jamaica.

338. President Ayscough to the Council of Trade and Plantations. *Encloses* duplicate of 1st Nov. *etc.* *Continues* :—I have at the desire of the Council sent the Assembly a message reminding them of what I laid before them at the opening of the Sessions, and desiring them to proceed without delay upon the draught of the bill for perpetuating their laws *etc.* What the success of this affair will be is as yet hard for me to determine, but their dilatory proceedings seems a bad omen; The chief pretence they have, or reason given, for not taking H.M. recommendations into their consideration before this time is, that the late hurricane has prevented several of their Members attending the publick service whereby they have not as yet had a full house; however plausible this pretence may be I really cannot flatter your Lordships with success even from so gracious a recommendation as the King has made, for that spirit still rages in a certain Member of the Assembly, who has been often named to your Lordships by former Governours and who has a considerable influence in that house that he appears now in a vehement manner against the draught of this bill, without any other reason or cause that I can learn but that he imagines the provision made for the soldiers in this perpetual bill will render Assemblys useless and consequently his power in distressing of the Government of less weight; thus much I could not but, in justice to H.M., say of him; and it is surprising that one who has always opposed H.M. commands and recommendations should still be con-

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tinued from home an Officer under H.M. here, which tho' of small profit yet makes others believe his proceedings are approved at home, there being no resentment shown against him. Some days ago Captn. Brand Commander of H.M.S. the *Winchelsea,* arrived here from Admiral Hosier, who brings an accot. that they had left the Bastamentas and drawn nearer to Carthagena for refreshments and change of air. The snow commanded by Capt. Kelsall, who was hired at the publick charge to convoy Her Grace the Dutchess of Portland as far as the latitude of 34 No., is returned hither and brings an account that he parted with her Grace in that latitude; but the day after he met with a violent storm *etc.* which obliged him to put into New York. *Signed,* J. Ayscough. *Endorsed,* Recd. 10th, Read 13th Jan., 172$\frac{6}{7}$. *Enclosed,*

338. i. Naval Officer's List of ships damaged in the late hurricane at Jamaica. (*v.* 1st Nov.) *Signed,* Mos. Montell, Naval Officer. *Endorsed as preceding.* $1\frac{1}{2}$ *large folded pp.* [*C.O.* 137, 16. *ff.* 334, 334*v.*, 335*v.*–336*v.*]

Nov. 14. Spanish Town, Jamaica. **339.** President Ayscough to the Duke of Newcastle. *Repeats preceding covering letter. Signed,* J. Ayscough. *Endorsed,* R. 12th Jan. $2\frac{1}{2}$ *pp. Enclosed,*

339. i. Duplicate of *No.* 338. i. [*C.O.* 137, 52. *ff.* 302–303*v.*, 304*v.*–305*v.*]

Nov. 15. Whitehall. **340.** Mr. Popple to Sir A. Elton. My Lords Commissioners have had under their consideration your letter of the 12th instant *etc.* They conceive it necessary to have Sir P. Yorke's opinion (therein enclosed) under his hand *etc. Desires him* to send the original *etc.* [*C.O.* 5, 1365. *p.* 305.]

Nov. 16. Whitehall. **341.** Mr. Popple to Lt. Governor Doucett. *Acknowledges* letter of 16th Aug. *Continues* :—My Lords Commrs. are glad to find you have concluded a Peace with the Indian tribes *etc.*, which they hope will be lasting, and that you will take care that the said Indians, in their intercourse with H.M. subjects under your command, may meet with such kind treatment as to give them no cause of complaint; This in their Lordps.' opinion will be the surest means of continuing a good correspondence with them. [*C.O.* 218, 2. *p.* 55.]

Nov. 17. Whitehall. **342.** Council of Trade and Plantations to the Governor and Council of the Bahama Islands. Enclose copy of H.M. Warrant, 29th Sept. *etc. q.v.* [*C.O.* 24, 1. *p.* 93.]

Nov. 19. Bristol. **343.** Sir A. Elton to Mr. Popple. Encloses following. *Signed,* A. Elton. *Endorsed,* Recd. 21st, Read 22nd Nov., 1726. *Addressed.* 1 *p. Enclosed,*

343. i. Duplicate of *No.* 337 i. *Copied from* the original returned to Sir A. Elton. [*C.O.* 5, 1320. *ff.* 91, 92, 92*v.*, 94*v.*]

Nov. 21. Boston in New England. **344.** Mr. Willard to Mr. Popple. *Encloses* Journal of Assembly of the Massachusetts Bay in the Sessions held 13th April, 25th May and 24th Aug., 1726, with Acts passed in May, there being none passed at the other two ; Minutes of Council, March—Aug., and Treasurer's accounts for the last year. *Signed,* Josiah Willard. *Endorsed,* Recd. 22nd Feb., Read 8th June, 1727. 1 *p.* *Enclosed,*

344. i. Accounts of the Treasurer of the Massachusetts Bay for 1726. *Signed,* Jer. Allen. *Endorsed,* Recd. 22nd Feb., 1726. 42¾ *pp.* [*C.O.* 5, 869. *ff.* 411, 412*v.*, 413, 414–435, 436*v.*]

Nov. 22. **345.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Acts of Virginia referred to him, Sept. 14th. *Signed,* Fran. Fane. *Endorsed,* Recd. 24th Nov., Read 13th Dec., 1726. 2 *pp.* [*C.O.* 5, 1320. *ff.* 95, 95*v.*, 96*v.*]

Nov. 22. Whitehall. **346.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Antigua, 1726, *for dividing the parish of St. Peter, and erecting a new parish of St. George etc.* [*C.O.* 153, 14. *p.* 230.]

Nov. 23. Kensington. **347.** H.M. Warrant appointing Henry Cope Commissary of the Stores at Annapolis Royal. *Countersigned,* Holles Newcastle. *Copy,* [*C.O.* 324, 35. *p.* 295.]

Nov. 24. Annapolis Royal. **348.** Lt. Governor Armstrong to Temple Stanyan. *Reminds him* of his offered friendship, " which my friend Governour Doucett's death now offers. You know the Commission of Lt. Govr. of this Province was without any quaintome of pay untill either the Lieut. Governour of Annapolis or Placentia should be removed by death or otherwise. Sir this gentleman's death gives me the right to that pay, both by commission, and the more so for doing the dutty of my own post, as well as the Govr. in Chief " *etc.* *Refers to* his services as shown in his dispatches *etc.* *Signed,* L. Armstrong. *Endorsed,* Rd. June 24, 1727. 2 *pp.* [*C.O.* 217, 38. *No.* 12.]

Nov. 24. Annapolis Royal. **349.** *Same* to [? *the Duke of Newcastle*]. I now take the liberty to inform your Grace of all my proceedings since my arrivall here ye 17th Sept. *etc.* *No.* i is a paper signed by the Indians of this Province ratifying the peace made with them at Boston 15 Dec. last *etc.* *No.* ii is a list of the fishery at Canso for the year 1726, which in my humble oppinion is worthy the Administerations thoughts by having a fortification

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errected for their security, the French of Cape Brittaine looking on us with an evill eye, and on the least difference between the two Nations will emmediatly distroy that fishery and settlements without they are protected by a good fortification and at least 300 men to garrison there constantly, which will keep them and the Indians in aw. *No.* iii is the oaths administred with the advice of H.M. Council to the inhabitants of the River of Annapolis Royall, who could never be prevailed upon to take it before, the next spring I shall send to the severall other settlements in this Province the same oaths and oblige them all to take them, and send them home to your Grace, for H.M. approbation, herein I hope honestly to do my dutty and if possibly to gaine both the French and Indians of this Province to be faithfull and honest subjects *etc.* I find really both the French and Indians very well satisfied both with the peace and the oaths of fidelity, in effecting of which it has and will cost me a great deal of money as well as paines and labour *etc.* If H.M. would order yearly some presents for the Indians as arms, powder, and shot with some peices of red and blue cloaths with other necessarys it would be a great meanes to secure the furr trade in the hands of H.M. subjects here, which now constantly goes to the French of Cape Britain, by means of the yearly presents sent by the King of France, this in my humble oppinion by degrees would bring these savages intirely into the dependance of H.M. and this Government. *No* iv is the miserable state of the fortification of Annapolis Royall *etc.* *No.* v is the Minetts of Council of all transactions since my arrivall *etc.*, upon which I beg your Grace's approbation and derections for our guidance of next year's service. Your Grace is sencible my Commission as Lt. Govr. for this Province had no establishmt. for pay, by reason of two Captains in the Regiment being on the establishment, this will inform your Grace of the death of the Honourable John Doucett Lt. Governour of this Garrison, on the 19th instant, to which pay I had your Grace's promiss before I left England, when ever any vacancys should happen. I hope my labourious travels and fateagues will intitle me to your Grace's protection as also to represent this my case to H.M. for the benifitt of the Commission I have the honour to bear *etc.* I have been obliged to victuall this Garrison, being 200 men with all manner of provissions, from 1st Oct., by the non-preformance of Mr. Borland *etc.*, who contracts with Mr. Thomas Missing of Portsmouth Contractor with the Treasury for supplying Govr. Philipps Regiment *etc.* This unexpected difficulty has plunged me under the greatest distress immaginable having a long severe winter I have killed about sixty oxen and cows who weighs very small, and have sent for 150 barrells of pork from New England, which I faire will miscarry by reason so severe a fall was never known in this country in the memory of the

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oldest man. I most humbly begg your Grace to lay this case before the Treasury, and that Mr. Missing may be obliged to answer all the bills I shall be obliged to draw for the provissions *etc.*, for which I shall send him receipts next summer signed by all the Officers *etc.* *Signed,* L. Armstrong. *Endorsed,* Rd. June 24, 1727. *Enclosed,*

349. i. Ratification of Articles of Peace concluded at Boston 15th Dec. 1725 *etc.* *v.* Aug. 16, *No.* i. 1 *large p.*

349. ii. Copy of oaths of allegiance to King George taken by French inhabitants of Nova Scotia 24th Sept., 1726. 133 *Signatures.* 1 *large p.*

349. iii. List of vessels that have taken, cured and exported fish from Canso in 1726. *Totals*: 130 vessels: 30,828½ quintals of fish. 1½ *large folded pp.*

349. iv. Report on the fortifications of Annapolis Royal, 24th Nov., 1726. *v. covering letter.* *Signed,* L. Armstrong, *and* 15 *other officers.* 3 *pp.*

349. v. Minutes of Council of Nova Scotia, 23rd Sept.—10th Nov., 1726. 18 *pp.* [*C.O.* 217, 38. *Nos.* 13, 13 i–v.]

Nov. 24. Annapolis Royal.

350. Lt. Governor Armstrong to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis.* *Signed,* L. Armstrong. *Endorsed,* Recd. 24th June, Read 28th Sept. 1727. 2½ *pp.* *Enclosed,*

350. i–iv. Duplicates of preceding enclosures, i–iv. *Endorsed,* Recd. 24th June, 1727. [*C.O.* 217, 5. *ff.* 1–7*v.*; *and* (*abstract of covering letter only*) 217, 30. *p.* 22.]

Nov. 24. Whitehall.

351. Mr. Popple to President Carter. *Encloses* papers relating to the case of the *John and Betty* (*v.* 12th and 15th Nov.). *Continues*:—My Lords Commissioners desire you will examine into the several facts, and if you find them true, that you cause restitution to be made to the owners *etc.* In your last letter, you acquaint their Lordships, that there being little business done in the Assembly, you do not think it proper to trouble the Board with the Minutes, but I am directed to acquaint you that no reason ought to prevent your communicating to their Lordsps. an account of all proceedings. [*C.O.* 5, 1365. *pp.* 305, 306.]

Nov. 24. Whitehall.

352. *Same* to Mr. Elton. *Returns* original of Sir P. Yorke's opinion (Nov. 15), *and acquaints* him with preceding. [*C.O.* 5, 1365. *pp.* 306, 307.]

Nov. 24. Whitehall.

353. Council of Trade and Plantations to the King. Recommend Captn. John Butterfield and Capt. Francis Jones for the Council of Bermuda in place of Capt. Samuel Rayner and Major Henry Tucker decd. [*C.O.* 38, 8. *p.* 43.]

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Nov. 29.

354. Order of King in Council. Referring following to Committee of Council for their report. *Prefixed,*

354. i. Petition of Francis Yonge, Agent of South Carolina, to the King. *Prays that* petition of Council and Assembly in answer to the petition of Lords Proprietors for leave to appoint a Governor, and counter-petitions *etc.* may be referred to Committee of Council, and await reply from Carolina to the Lords Proprietors' second petition (14th July), as the continuance of the Government under H.M. is of the greatest consequence to the well being thereof, and that petitioner may then be heard thereupon by his Council *etc.* *The whole,* 2 *pp.* *Enclosed,*

354. ii. List of following enclosures. 1 *p.*

354. iii. Petition of the Lords Proprietors of Carolina, to the King. *Ask* for H.M. approbation of Col. Samuel Horsey appointed by them Governor of S. Carolina to succeed Governor Nicholson, appointed provisional Governor by H.M. during some commotions in that Province long since quieted *etc.* *Copy.* 1 *p.*

354. iv. Petition of *Same* to *Same.* Ask that certain articles should be inserted in the Instructions of H.M. provisional Governor. June 14, 1726. *Copy.* 2 *pp.*

354. v. (*a*) Order of Committee of Council that a copy of above petition (*No.* iv) be delivered to the Agent of the Province. July 18, 1726. *Copy.* (*b*) Memorial of Richard Shelton, Secretary to the Lords Proprietors of Carolina, to the Committee of Privy Council, for a short day for considering above petition. July 25, 1726. *Copy.* *The whole* 1½ *pp.*

354. vi. Petition of the Council and Assembly of South Carolina to the King. *Refer to* their petition of April, 1725, and representation of 1720, expressing concern at the Lords Proprietors' petition, *No.* ii, and begging H.M. to continue them under his immediate protection and Government, for which the same reasons still subsist as in 1720. 21st May, 1726. *Signed,* Ar. Middleton, Thos. Broughton, Speaker. *Copy.* 2 *pp.*

354. vii. Address of Council and Assembly of S. Carolina to the King. Answer to Mr. Shelton's Memorial, (*No.* v (*b*)) with reasons humbly offered to the Committee of H.M. Council for continuing S. Carolina under the Government of H.M. 21st May, 1726. *Signed as preceding.* *Copy.* 6½ *pp.*

354. viii. Act of S. Carolina appointing Francis Yonge Agent of S. Carolina. 21st May, 1726. A true copy, *Signed,* Hen. Hargrave, Depty. Secretary. 3 *pp.*

354. ix. (*a*) Mr. Middleton, President of the Council, S. Carolina, to Governor Nicholson. Charles Town, 7th

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May, 1726. Upon receipt of Mr. Shelton's Memorial, has concluded to call the Assembly to give it a full answer. It is the cause of the whole Province *etc.* *Signed,* Ar. Middleton. *Copy.* ¼ *p.*

(*b*) *Same* to *Same.* 24th May, 1726. Encloses petition and answer of both Houses to Mr. Shelton's Memorial *etc.* *Continues:*—I have prorogued the Assembly again to Sept. 6th, but upon any emergency I can call them in a week *etc.* You will also receive the Indians journal *etc.* Col. Chicken and Capt. Fitch go away to the Indians this week in order to settle all matters with them *etc.* *Signed,* Ar. Middleton. *Copy.* ¾ *p.*

(*c*) *Same* to *Same.* 10th June, 1726. I have this week wrote to your Excellency that I had now with me 16 of the Upper and Lower Creeks but not above five of them Headmen. (*v. No.* xi.) These Cheifs are some of those that have always stood by the English interest and do now again assure the same. I send enclosed the whole discourse I had with them, but as Capt. Fitch is now on his way to their Nation I have referred him to what will be said to their whole Nation by him when all their Cheifs meet in a body *etc.* I have given these Indians very handsome presents, and they are perfectly well pleased and shall sett out to-morrow morning. P.S. Our traders from these parts where the French are assure me that the French have a design, that upon the first rupture with the Crown of Spain they will attack St. Augustine by sea and land for that they want a port on this sea. If so we must be in a poor condition here. *Signed,* Ar. Middleton. *Copy.* 1 *p.*

354. x. (*a*) Ralph Izard to Governor Nicholson. Charles Town. 21st May, 1726. *Conveys* thanks of Council of S. Carolina for continuing his good offices to them and the Province. *Continues:*—Mr. Yonge will acquaint you of the step we have taken *etc.* We should be unjust to your Excellency's character *etc.*, did we in the least doubt of your continuing to honour this Province with your best endeavours, to set aside the malicious scandalous and false reflections of Mr. Shelton, and to continue us under H.M. protection and Government. *Signed,* Ra. Izard. *Copy.* ¾ *p.*

(*b*) Mr. Broughton, Speaker of the Assembly, to Governor Nicholson. Charles Town. 21st May, 1726. *Begs* his assistance to Mr. Yonge in his application to H.M. for continuing the Province under his immediate Government *etc.* *Signed,* Thos. Broughton, Speaker. *Copy.* ¾ *p.*

354. xi. (*a*) Mr. Middleton to Governor Nicholson. *Acknowledges* letter. *Refers to* reports that the Proprietors will have the Government. *Continues:*—They have sent over a Chief Justice and Attorney General *etc.* I will if I can get proofs of what you desire. I am sure your Excellency will clear yourself before the Lords of the Committee, and as to the Proprietors they have been tools to their officers these many years past and should we be so unhappy under them again I assure you the country's lost. It can never enter into my thoughts that H.M. will give up ye Government, and I will do what I can to put the people right in their notions and of their true interests. I am of opinion that all the hardships you mention will fall on the country in case the Governmt. should be altered and the children of the present generation will curse their fathers for it. When the Assembly came to a resolution to encourage the Swiss, it was for the better peopleing the country and always beleiving and desiring the Government to be in H.M. and the soyle also if possible. I expect some Headmen of the Upper Creeks every day, and then the Assembly will meet and I shall lay yours before them, but I beleive many of them are so poisoned by the evil ones amongst them that little to their true interest will be done. We are like to have some disturbance with our Creek Indians and Coll. Chicken and Capt. Fitch are again going up to the Creeks and Cherokees, once more to setle things with them. Since the burning of the Fort you must believe the expence is great to put things in order. I will send all their accounts in due form. I shall take care that the Indians journals shall be sent; and I assure you I take all the care I can of the Southerne frontiers; I shall do all I can to serve Mr. Yong and get what money I can remitted to him. I shall make your Excellencys complements to all the Gentlemen you mention; I had almost forgot to tell you that the Senecan Indians of New York are so bold as to come into our Settlements and kill our neighbouring Indians this must for the future be prevented by treating with them at Albany. *Signed*, Ar. Middleton. *Copy.* 1¼ *pp.*

(*b*) *Same* to *Same.* June 7th, 1726. *Refers to* previous letters *etc.* *Continues:*—I don't find but the people (excepting half a douzen) are very staunch against the Proprietors and should H.M. give them the Governmt. (as I hope he will not) they will find but an uneasy time of it. I very much long to have

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the affair of the Fort setled for I have a continual trouble with them. I hope your Excellency will see the bills paid that I have drawn for necessarys for the Fort both before and since the burning and as for any of the officers I will draw no more for them. I wonder I hear no more of the settling the boundarys with the Spaniards at Augustine. I wrote you in my former I was afraid we should have some disturbance with the Creek Indians; and indeed it was proposed by the lower people to kill all the traders but the Middle and Upper People would not come into it. I have now sixteen of the Lower and Upper People now with me but three of them Chief men. They arriving but yesterday I have not talked with them to know their proposals, *etc.* We shall find it a hard task to keep these Indians in order and should we have a rupture with them it will be very expensive and endanger our out Settlements. I have a watchfull eye to the Southward as you desired me. I think we have done all that can be to keep us under H.M. protection and Government *etc.* P.S. The 17th of this month will be a years sallary due to me and I desire your Excellency will see it paid. I doubt not the Reverend Mr. Guie has given you a full account of the behaviour of our Clergy at their last meeting when they were desired to petition H.M. to continue his Government to us. *Signed,* Ar. Middleton. *Copy.* 1¼ *pp.*

354. xii. Representation of Richard Shelton to the Lords of the Committee of Council. *States* case of the Lords Proprietors of S. Carolina to be restored to the right of Government. They are in treaty for transporting thither several hundred foreigners, who will be a greater protection than the soldiers planted by Governor Nicholson 300 miles from any settlement. Many of the most substantial inhabitants are so intimidated by the behaviour of Mr. Nicholson that they will quit the Province if he returns *etc. etc. Mem.* This case is printed and given to the Lords Committee when they went in the Council Chamber. *Signed,* Ri. Shelton. 3¼ *pp.* [*C.O.* 5, 383. *Nos.* 28, 28i–xi; *and* (shorter version of *No.* xi) xii.]

Nov. 29. Kensington. **355.** Order of King in Council. Referring to the Council of Trade and Plantations the representation of Lord Baltimore, requesting H.M. approbation of his brother, Benedict Leonard Calvert, whom he has appointed to be Lt. Governor of Maryland in the room of Charles Calvert. *Signed,* Temple Stanyan. *Endorsed,* Recd. 6th, Read 7th Dec., 1726. 1 *p.* *Enclosed,*

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355. i. Charles, Lord Baltimore to the King. Representation referred to in preceding. *Signed,* Baltemore. *Copy.* 1 *p.* [*C.O.* 5, 1266. *ff.* 219, 220, 222*v.*]

[Nov. 30.] **356.** Governor Nicholson to the Honble. Temple Stanion Esq. F.R.S. Encloses following copies of letters to President Middleton *etc. Enclosed,*

356. i. Governor Nicholson to Mr. President Middleton. July 23rd, Lincoln's Inn. *Encloses papers.* By the Lords Proprietors' petition to H.M. you'l see what their Lordps. aims at. Therefore I think you would do very well to have the Assembly meet as soon as possible and answer it *etc.* As I have I shall continue to do for them all that lyes in my power *etc.* I most earnestly recommend you to transmitt money to care on your affairs here. I have undertaken to satisfy Mr. John Sharpe, who is one of the best sollicitors both by his capacity interest *etc. Refers to* departure of some recruits for the Company and of a Chaplain for St. George's Parish. *Signed,* Francis Nicholson. *Copy.* $1\frac{1}{8}$ *pp.*

356. ii. *Same* to *Same.* Lincoln's Inn, at Mr. John Sharpe's Chambers. July 26. Since the writing of the above something further has been done. *Refers* to following. *Continues* :—I thank God everything in your affair is as desired. Yesterday morning I waited on the Duke of Devonshire President of H.M. Councel as I have done several times before and given his Grace an account of the affairs of South Carolina as I have also done to Lord Townshend, Sir Robert Walpole and the Duke of Newcastle and I think you would do very well to write a letter to each of them and return them thanks for what they have been pleased to do on severall occasions for H.M. Province of So. Carolina, which letters must be signed by yourself as President and the rest of the Councel and by the Speaker in behalf of the Commons house of Assembly, and like letters to H.M. Attorney and Sollr. General, as likewise to Mr. John Sharpe, for I think that after so many petitions, memorials *etc.* have been presented to H.M. and his Privy Council those affairs have been transacted with the least expence that could be. You must take a special care justly and fully to answer all that has been presented to H.M. and Privy Councel more particularly what I now send you with the utmost expedition that (if possible) I may have it by the latter end of October *etc.* You must be sure to send a most dutyfull and loyal Address to his most sacred Majesty. It may so happen that your affairs may come before the Parliament, therefore you must

provide for that *etc.* *Suggests that* Col. Fenwick or some other Member of Assembly should be sent to represent their case *etc.* My returning to you I think will not be till after your affairs are setled here except a warr should happen with Spain or France of which here is no likelyhood *etc.* *Signed,* Francis Nicholson. *Copy.* ⅝ *p.*

356 iii. Mr. Sharpe to President Middleton. Lincoln's Inn, 23rd July. The Proprietors' new petition though in appearance giving up the point contended for in their first, is in reality praying for the same thing—all the power and excercise of Government, appointing all officers and making all laws *etc.* *Criticises* it in detail. *Signed,* John Sharpe. *Copy.* 1⅛ *pp.*

356. iv. *Same* to *Same.* 26th July. Since writing *preceding* letter, the Lords Proprietors' Sollicitor, and the Sollicitor for the Merchants against the Generall gave me the *following* notice to move for hearing the complaint against him, but instead thereof Mr. Shelton presented the underwritten memorial and at the same time the Lords Proprietors without giving any notice to the General or Mr. Yonge or myself as they ought to have done moved very strongly for a speedy day to take their last petition into consideration. But General Nicholson and myself being then attending at the Councel Office on the notice against him, they were disappointed, for my Lord President ordered the General and me to be called in, when tho' both Mr. Shelton and the two Mr. Berties pressed the affair all in their power, the Lords were pleased on what the General and I offered to their consideration to be of opinion it was reasonable the Province should have time to answer the same, and for that purpose put of the consideration of the Proprietors' petition till October *etc. as preceding.* *Signed,* Jno. Sharpe. *Copy.* ½ *p.*

356. v. Mr. Watson to Mr. Sharpe. *Gives notice* that he is about to petition for the hearing of complaints against General Nicholson *etc.* *Signed,* H. Watson. *Copy.* ⅛ *p.*

356. v. (*a*) Memorial of Richard Shelton to the Lords of the Committee of Council. 25th July, 1726. *Prays that* a short day may be appointed for the consideration of the petition of the Lords Proprietors of Carolina. *Signed,* Ri. Shelton. *Copy.* ⅓ *p.*

356. vi. Governor Nicholson to President Sharpe. 22nd Aug. 1726, from Mr. Sharpe's Chambers in Lincolns Inn. *Encloses* lists of stores of war sent from England, *and recommends* the sending of a full account of

"what is become both of those sent by the Crown and also by the Lords Proprietors." *Refers to negotiations* with Mr. Trott "who could not make out a good title to the Proprietorships which if he had you will see how near I was becoming a purchaser of them" *etc. Encloses various papers, etc. Continues*:—What you have done by your peticon to H.M. and your answer to Shelton's Memorial is very well approved of by all that wish well to H.M. interest and service and that of his service of South Carolina, and I hope in God you will soon send the finishing stroke for I take either the good or bad fate of Carolina depends on the defence you send over *etc.* I have already given copies of your petition, address and other papers to the Earl of Westmorland *etc.* and my Lord Bishop of London and shall do the same to the other Lords of the Ministry and Councel to both whom I think your Country ought to give thanks for what they have already done *etc.* And I think you would likewise do very well to write to the Honoble. Charles Delafay Esq. and Temple Stanhope [*sic.*] Esq., the two Chief Secretarys to the Duke of Newcastle upon the said accot. As for my own part I can only repeat that as I have hetherto spared neither cost nor pains, so I shall for the future continue the same God willing for the promoting those two inseparables H.M. interest and of South Carolina *etc.* *Signed*, Francis Nicholson. *Copy.* 1¼ *pp.*

356. vii. Mr. Sharpe to President Middleton [? *Aug.* 22]. *Encloses* copy of state of case prepared by him to be laid before the Attorney and Solicitor General, to which he has now added copies of the reply to Mr. Shelton's Memorial and the petition to the King since received. "Taking both together, they have the whole case before them" *etc. Hopes that* their answer to the last Memorial will shame the Lords Proprietors from their present attempts *etc.* *Signed*, John Sharpe. 1 *p.*

356. vii. (*a*) *Same* to *Same*. Oct. 5th. Sends copy of preceding. ⅛th *p.*

356. viii. Governor Nicholson to President Middleton. London, Aug. 22, 1726, nine a clock at night. I have just come from Mr. Sharpe's Chambers where I have made up a pretty large packett for you to which I must referr you for the publick affairs. As to what you have writt concerning them I can say nothing to it at present, as for the sallary I hope very speedy to make up the accots. with the Honoble. Kinsmil Eyre Esqr. tho' they cannot properly be done but once a

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year, but I hope to get Mr. Eyre to pay Mr. Harwood some part of your years salary. *Encloses* copies of papers concerning Mr. Trott. I think the Assembly was to hasty in paying of him the thousand pounds and what you had from him for that money you must take care to have it secured well and not made use of upon any accot. till H.M. Royal pleasure is known, what you did in making use of 2000 pounds of the printed bills for rebuilding Fort King George *etc.* I hope will not be disaproved of neither if you expend the like summe or more for the fully compleating the said Fort. Here is very much wanted your last tax bill with the journals of the Assembly. You must take especial care to transmit copies of the journals, accounts *etc.* with duplicates by the first opportunity *etc.* *Refers to* case of Conselliere, and hopes Skeene has received the money *etc.* *Signed,* Fr. Nicholson. *Copy.* 1⅛ *pp.*

356. ix. *Same* to Ralph Izard. 22nd Aug. Compliments and thanks for Council's letter, reply to Shelton's Memorial and petition to the King *etc.* *Recommends* the bearer, Capt. Edward Massey. "I hope the Burton Ale I sent for you proved good" *etc.* *Signed,* Fr. Nicholson. *Copy.* 1 *p.*

356. x. *Same* to Thos. Broughton. 22nd Aug. Thanks to the Assembly *as preceding.* "Your petition and answer I esteem to be extraordinary well done" *etc.* Offers his services *etc.* *Recommends* Capt. Massey and *concludes* :—I have given him two guineas, as I have done two others to Mr. Splatt to drink with yourself and the Honourable Gentlemen of the Commons house of Assembly and when it is doing to be present with you would be acceptable to, Fr.N. I hope the Burton Ale I sent by Capt. Clarke for you proved good for Mr. Samuel Wragg undertook for it. *Copy.* ½ *p.*

356. xi. *Same* to President Middleton. London, 8th Oct., 1726. *Hopes* that the affairs of the Company and Garrison will be compleated in a short time after Capt. Massey's arrival, "because the certainty of those affairs are much wanted here in order to have proper measures taken concerning them" *etc.* As to the report that Coll. Horsey was appointed Governor, "I don't wonder that they endeavour to keep up their sinking interest by repeated lyes, for nothing will be fully determined in the affair of your Government till please God a just and full accot. comes from your Assembly *etc.* Therefore I hope you will be very expeditious." *Will send,* by two ships sailing next month, duplicates and triplicates of papers already

dispatched. "I am often with Mr. Sharpe our Sollicitor consulting about our affairs, and I have not ventured since I came here to lye out of Town only one night at my first comeing, because something might have intended to be done prejudicial to H.M. Province of So. Carolina" *etc.* Refers to enclosures. Sends compliments to Council and Assembly *etc.* *Signed,* Fr. Nicholson. 1 *p.*

356. xii. *Same* to *Same.* London, at Mr. John Sharpe's Chambers, Lincoln's Inn. 9th Oct., 1726. *Encloses accounts. Continues:*—I hope the Assembly will take effectual care to remitt money for the repaing me satisfying Mr. Sharpe *etc.*, which I think they may very easily do having had so great a number of negroes imported. *Encloses* Nehemiah Partridge's "receipt of a packet for you and likewise a receipt for two guineas and a double pistoll" *etc.* P.S. "I hope Mr. Herold will give you an account of the money received of the Honble. Kinsmill Eyre Esq. for the accot. of your sallary to Xmas last, when he received the money I had not received my own nor have I as yet received it all" *etc.* *Signed,* Fr. Nicholson. *Copy.* 1 *p.*

356. xiii. *Same* to *Same.* London, 11th Oct., 1726. *Encloses* "the state of the case between the inhabitants of S. Carolina and the Lords Proprietors," which may be of great use to the Assembly in answering Shelton. The sooner we have a full answer the better *etc.* *Signed,* Fr. Nicholson. *Copy.* ½ *p.*

356. xiv. *Same* to *Same.* London, 17th Oct., 1726. *Encloses* receipts for packets dispatched. *Sends* compliments to Members of Council and Assembly. *Signed,* Fr. Nicholson. *Copy.* ½ *p.*

356. xv. *Same* to Richard Arnold. London, 5th Oct. 1726. *Encloses* copies of letters *etc.* concerning Capt. Massey's Company of Invaleeds, to be laid before Mr. Secretary Pelham, *etc.* *Signed,* Fr. Nicholson. *Copy.* ½ *p.*

356. xvi. *Same* to Capt. Massey. London, 8th Oct. 1726. *Hopes* that he will soon report upon the Company and Fort *etc.* *Continues:*—Yesterday I saw Mr. Pelham at the Duke of Newcastle's Office, who told me he was well satisfied with what I had given to Mr. Arnold (*v. preceding*), and earnestly recommends a speedy answer concerning those affairs. The affairs of the Province stand much as when you left us etc. P.S. I gave copies of those letters to Mr. Temple Stanion, his Grace's Secretary for H.M. Plantations, to lay before the Duke of Newcastle *etc.* *Signed,* Fr. Nicholson. *Copy.* ¾ *p.*

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356. xvii. Invoice of arms and stores of War delivered from the Board of Ordnance for S. Carolina, 10th Oct., 1715. *Copy.* ¾ *p.*

356. xviii. Invoice of arms and stores of war sent by the Lords Proprietors, 5th Oct., 1715. *Copy.* 1 *p.*

356. xix. Nicholas Trott to Governor Nicholson. Aug. 17, 1721. Asks that his collection of the laws now finished may be inspected by a Committee of the two Houses. *Signed,* Nicholas Trott. *Copy.* ½ *p.*

356. xx-xxiii. Mr. Trott's proposals for making a new edition of the Acts of Assembly, with the votes of Assembly thereon, 1717, and list of subscribers *etc.* *Copy.* 3½ *pp.*

356. xxiv. Message from the Assembly inviting the Council to concur in an Address to the Lords Proprietors to redress the grievances against the Chief Justice, Nicholas Trott, embodied in a remonstrance signed by every Attorney practising in the Province *etc.* *Signed,* George Logan, Speaker. *Copy.* ½ *p.*

356. xxv. Governor Nicholson to Mr. Hammerton, Naval Officer, S. Carolina. London, 22nd Aug., 1726. *Acknowledges* quarterly lists of shipping, *and requests* an attested return of pitch, rice and tar up-to-date *etc.* "I have no reason but to hope that when we shall receive the answers of the Assembly, the affair against the Lds. Proprietors will be ended as they desire" *etc.* *Signed,* Fr. Nicholson. *Copy.* ¾ *p.*

356. xxvi. *Same* to *Same.* London, 22nd Aug., 1726. *Desire*s him to keep a good correspondence with Capt. Massey *etc.* P.S. I have given Capt. Massey one guinea to drink with Mr. Andrew Allen *etc.* and I desire that you may be one of the company and that Mr. Allen may invite none but such honest gentlemen as yourself *etc.* *Signed,* Fr. Nicholson. *Copy.* ½ *p.*

356. xxvii. (*a*) Returns of rice, pitch and tar, deerskins and turpentine imported from Carolina, 1715–1724. Christmas 1719–20 shows rice 44,914 cwt., pitch and tar, 2509 lasts.

(*b*) Returns of rice, pitch and tar imported from S. Carolina, March 1725–1726. Rice, 21010; pitch 53483, tar 4212. *Signed,* Wm. Hammerton.

Memo. (*From*) these accots. doth appear that the trade is considerably increased since S. Carolina hath been under H.M. immediate Governour. *Copy.* 1 *p.*

356. xxviii. Imports and Exports to and from S. Carolina and the Plantations, May 1721—Sept. 29, 1723. *Signed,* Wm. Hammerton. *Copy.* 2 *pp.*

356. xxix. Governor Nicholson to Thomas Hipworth, Chief Justice of S. Carolina. London, 22nd Aug., 1726.

Acknowledges letters and refers to following *etc*. *Signed*, Fr. Nicholson. *Copy*. ½ *p*.

356. xxx. *Same* to Edward Whitaker, Attorney General, S. Carolina (? Aug. 22). At present all affairs are at a stand until we have an answer from the Council and Assembly *etc*. *Hopes* he will be sent over to present the country's case, in which he hopes they will exert themselves to the utmost. *Continues* :—Then I think they need not in the least doubt but that you will have justice done you more in all respects. I suppose as usual you will have lyes writt from hence concerning your affairs either to intimidate some or amuse others *etc*. *Signed*, Fr. Nicholson. *Copy*. ¾ *p*.

356. xxxi. *Same* to Mr. Hart, Secretary of S. Carolina. London, 11th Oct., 1726. *Refers* to his letters to Mr. Middleton *and urges* him to send copies of public papers by all opportunities *etc*. *Signed*, Fr. Nicholson. ½ *p*.

356. xxxii. *Same* to Col. Woodward, Col. of the Militia in Port Royal. London, 11th Oct., 1726. *Sends* him a "Queen Ann's guinea to drink with the Capt. and the Officers and chief inhabitants of your town and port." *Hopes* that he has got the pilot boat finished and able pilots *etc*. *Signed*, Fr. Nicholson. *Copy*. ½ *p*.

356. xxxiii. *Same* to Major Blakeway, Clerk of the Commons House of Assembly. London, 11th Oct., 1726. "I don't find you have sent any journals of your house which are very much wanted here" *etc*. *as No*. xxxi. *Signed*, Fr. Nicholson. *Copy*. ½ *p*.

356. xxxiv. *Same* to Henry Hargrave, Depty. Clerk of the Council. London, 11th Oct., 1726. *Thanks for* letters and *refers to* preceding. *Signed*, Fr. Nicholson. *Copy*. ¼ *p*.

356. xxxv. Richard Shelton to the Duke of Kingston, Lord Privy Seal. Enters Caveat that no grant may pass of any office, employment or land in S. Carolina without notice being given to him. *Signed*, R. Shelton. *Memorand*. The above caveat was upon the account of John Hammerton having H.M. warrant to be Secretary of the Province according to the agreement with Charles Hart. *Copy*. ½ *p*.

356. xxxvi. Governor Nicholson to [? President Middleton]. London, 22nd Nov., 1726. *Hopes* his dispatches will arrive safely *etc*. *Encloses* letters given him by Col. de Valogne "by which you will see the present fate of the Neufchatalers. Capt. Omer went to Helfasulce to take them in and is sailed from thence directly for Carolina, if so I hope you will take effectual care

that he no ways breaks the Acts of Trade and Navigation. Mr. Wragg told me that Satur Godwin and one or two more French men undertook this affair with a view of great proffit, by it I think it will be much for H.M. and Country's interest and service if you could get a copy of that agreement. The affairs of South Carolina continues as when I writt you, for there hath been no Councel since and I have given the ministry an account of what I have writt to you, and I am now coppying out all letters *etc.* sent to you, to be left in his Grace's the Duke of Newcastle's Office, and I intend God willing to have the same done in order to give Mr. Sharpe, the Sollicitor, who hath drawn up something concerning your affairs" *etc.* *Urges him* to send a just and full account of affairs by every opportunity. "I looke upon the fate of your Country to depend upon it" *etc.* *Signed,* Fr. Nicholson. *Copy.* 1¼ *pp.*

356. xxxvii. Jean Watt to M. le Col. de Valogne, at Giles's Coffee-house in Pell Mell. Neufchatel, 31st Oct., 1726. *Refers* to Mr. Pury's project, "who going thro' Geneva heard there of the departure of Mr. Vernet and about 100 persons who have been here about a month waiting the oppertunity of going to Carolina but strange catastrophe! Mr. Vernett has disappeared ever since Friday last for want of £100 sterl. and Mr. Pury absconds since last night, to avoid the fury of the people, who having spent their money wander up and down the streets not knowing where to find a dinner nor a bed to lye down upon *etc.* So many people offered themselves on the sight of the vessell prepared that I am perswaded if one had money above 600 voluntiers might have been procured, but this management of the Lords Proprietors hath been the principal cause of the miscarrying of the undertaking by the alteration of their Patent and refusing to fullfill the agreement for the transportacon of 600 persons from England to Carolina. This sad event quite overturns the design of our good friend Mounsr. Pury" *etc.* *Signed,* Jean Watt. *Copy.* Translated from French. ½*p.*

356. xxxviii. *Same* to *Same.* Neufchatel, 4th Nov., 1726. Through the prudent measures taken by the Magestrate of this City the tumult among the Carolinians was appeased by sending them out of this Principality and giving to each of them 25 bats of this country. There is about 40 of them, who chuse to go to Holland and thence into England, they not daring to return to their own homes, where they could not avoid the

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reproaches of their friends who had diswaded them from that enterprise. The resolution of these people is great and they deserve to be assisted. I desire you will impart this letter to General Nicholson. P.S. *Recommends* to his protection a widow who helped to quell the fury of the people the first day of the tumult and is leading the 48 into Holland *etc.* Likens her to the widow in the Gospel, " And I must take notice to you, that it was by a woman that rice was transplanted into Carolina, where the finest is now in the world to be found " *etc.* *Translation.* 1 *p.*

356. xxxix–xlix. 10 Receipts for packets from Governor Nicholson to President Middleton *etc.* 26th July–22nd Nov., 1726. 2½ *pp.*

356. l, li. Petition of Francis Yonge, Agent of S. Carolina, to the King, with Order in Council thereupon. *v.* 29th Nov. 1½ *pp.*

356. lii. Governor Nicholson to Mr. Sharpe. 30th Nov., 1726. *Enquires* what was done in Council upon Mr. Yonge's petition, *preceding.* *Signed,* Fr. Nicholson. *Copy.* ⅛ *p.*

356. liii. Mr. Sharpe to Governor Nicholson. 30th Nov. Yesterday Mr. Yonge's petition was referred to a Committee *etc.* *Signed,* Wm. Sharpe. *Copy.* ⅛ *p.*

356. liv. Governor Nicholson to President Middleton. 30th Nov., 1726. Informs him of above proceedings (l–lii). *Signed,* Fr. Nicholson. *Copy.* ½ *p.*

356. lv–lvi. Two receipts for packets from Governor Nicholson to President Middleton, Nov. 22nd and 30th, Carolina Coffee House. *Copy.* ½ *p.* [*C.O.* 5, 387. *No.* 66.]

Nov. 30. **357.** Council and Assembly of S. Carolina to [? *the Duke of Newcastle*]. Return thanks for his many and singular favours as signified to them by Governor Nicholson, and pray for the continuance of H.M. royal protection *etc.* *Signed,* Ar. Middleton, P., Ra. Izard, Wm. Bull, A. Skene, B. Schenckingh, Char. Hart, James Kinloch, and, by order of the Commons House of Assembly, Tho. Broughton, Speaker. *Endorsed,* Rd. Jan. 23th. 2¾ *pp.* [*C.O.* 5, 387. *No.* 67.]

Nov. 30.
Whitehall.
358. Duke of Newcastle to Governor Hart. Encloses following. *Concludes* :—The Lords Commissioners of Trade looking upon it as a controverted point, which they cannot take it upon them to determine, and being of opinion that the petitioners (*Smith and Cust*) may be continued in possession of the offices they claim until it shall be otherwise determined by due course of law, it is H.M. pleasure, that you should

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continue them accordingly, pursuant to the said report. *Signed,* Holles Newcastle. *Annexed,*

358. i. Copy of Representation of 19th May, *q.v.* [*C.O.* 324, 35. *pp.* 290–294 ; *and* 313.]

Nov. 30. St. Christophers. **359.** Governor Hart to the Council of Trade and Plantations. *Acknowledges* letter of 6th July on 24th instant *etc. Continues* :—As your Lordships are pleas'd to observe that letters from Governors of H.M. Plantations do frequently miscarry, as well as the papers refer'd to therein, I shall for the future punctually obey your Lordships' commands, *etc.* (*v.* 6*th July*). *Continues* :—At the same time I am oblig'd to represent to your Lordships, that as the several Islands of my Government are very distant from one another it will be difficult for me to obtain duplicates of the publick papers out of the several offices to send with duplicates of my letters. There shall be nothing wanting on my part to comply with your pleasure in this command. Your Lordships are pleas'd to observe that there is no regular account in your Office from the Leeward Islands of the number of negroes that have been annually imported there either by the Affrican Company or the Separate Traders. I have in obedience to your Lordships' command yesterday signified to Charles Dunbar Esq. H.M. Surveyor General of ye Customs that he do immediately give his orders to the several Collectors in the Leeward Islands (and to transmit the same immediately to me) an exact account of the negroes imported *etc.* for at least five years past, and that an annual account may for the future be sent me *etc.* Your Lordships are pleas'd to say, you are surpriz'd to find by my last letter, that I give so very different character of Mr. Pym Burt, from what I did 11th July, 1722 *etc.* I was then newly arrived in my Government, and took that Gentleman's character from a person I had laid under the highest obligations, who had a secret interest to serve therein. But I can assure your Lordships, what I have lately represented is from my personall knowledge, and agreeable to that command and duty I owe to H.M. Yet as I have been unfortunate enough in my representations I submit it to your Lordships pleasure. Your Lordships are pleas'd to say, you have recommended Mr. Daily, and Mr. White to be of the Council of Montserrat, in the room of Mr. Cochran, and Mr. Irish deceased, and Collo. Carey Broadbelt to be of the Council of Nevis *etc.* But as their mandamus is not yet come out, I have not given orders to swear them into the Council. *Encloses* Minutes of Assembly of Antegoa, 27th April—4th Oct. 1726. As the powder Act of Antegoa is lately expir'd, the Council and Assembly have sent me, by the hands of Lt. General Mathew a bill, which I have pass'd into an Act, *enclosed.* I must acknowledge to your Lordships that this Act is not strictly within the rules of my

Instructions as laying a duty on the shiping of Great Britain: But as such an Act is pass'd in all these Islands, and is really for the defence of that Island, and the protection of trade, as is sett forth in the preamble; I hope I shall not be culpable for passing it, as it is only the revival of a former Act; and especially when your Lordships will please to consider that I have no interest in it, and am so far from having any thing for my support from that island, (nor do expect any) that I have expended full £700 a year there out of my private fortune ever since the dissent to the Act for my better support. So that if I have committed any error in the passing of this Act, I hope it will be esteem'd as intended for H.M. service, and to which the rumour of a war with Spain, was no small inducement, H.M. having at this juncture a fleet in the West Indies lying off of Porto Bell in the Spanish Dominions. On 27th Nov., I receiv'd advice by a boat from Antegoa, which came here on private business, that H.M.S. the *Kinsale*, and under her convoy the *Royal George* Assiento ship, arriv'd there on the 25th, and went into English Harbour in that Island in order to refit the *Royal George*, who receiv'd some damage in her intended voyage passage for England off the coast of Virginia *etc.* *Sends* this advice as the ship is of great importance to the Royal Assiento Company. *Signed*, Jo. Hart. *Endorsed*, Recd. 14th Feb., Read 28th April, 1727. 5 *pp.* [*C.O.* 152, 15. *ff.* 310–312, 313*v.*]

Nov. 30. St. Christophers. **360.** *Same* to Mr. Popple. *Refers to preceding and acknowledges* letter with petition of Mr. McDowall, which he will answer by the next ship. *Continues*:—This is intended as a meer matter of clamour against me: For Mr. McDowall has been near three years in England, and yet I never heard that he has m[ade] any complaint of this kind, and I am sorry he now gives me such a handle to expose his practices [*on*] this occasion *etc.* The Order in Council upon his petition is dated long after the Commission was issued by H.M. *etc.* The three Commissioners are now actually disposing of the late French land, where he is now to be redressed *etc.* P.S. I just now had a vizit from the son, and son-in-law, of Monsieur Lyndesay the Governor of St. Eustatia *etc.* who inform me that their father on 27th inst. O.S., received a letter from the Governor of Carassow *etc.*, that about three weeks past a Spanish sloop, one Nichola a French man Captain (who had formerly been a pirate) with 170 men on board, had taken nine sloops belonging to the Dutch at Carassow trading to the coast of Caracos, and murther'd all the men on board, except six. And that the Dutch Governor of Carassow was fitting out a vessel with 200 men to go in pursute of him. I am further inform'd by these gentlemen, that Nichola, when he finds any vessel he can overpower, hoists a black flag, and acts like a pirate. But if he

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meets any ship of war, or others that are too strong for him, he then produces a Commission from the Governor of Porto Rico, as a Guarda de la Costa, to the irrepairable damage of all vessels that trade to the West Indies. I have formerly acquainted Capt. Delgarno, H.M.S. *Southsea Castle*, who is now cruizing among the French and Spanish Islands of these practices, of the Spanish guarda de la costa's; who is resolv'd to bring in all such pirates, where he shall find a black flag; and it is very probable they will be prov'd such, either from the British or Dutch Colonys in these parts, whenever they shall be taken. I had forgot to tell you there were two Jews taken on board one of the Dutch sloops mention'd, who in their barbarous mirth they (the Spaniards) cut into very small peices, saying they wou'd not be at the trouble of sending them to the Inquisition at Mexico *etc.* *Signed*, J. Hart. *Endorsed as preceding.* 3 *pp.* [*C.O.* 152, 15. *ff.* 314–315*v*.]

Dec. 4.
New York.

361. Governor Burnet to the Duke of Newcastle. *Returns thanks* for letter of 7th July. *Continues*:—I am now to lay before your Grace a complaint in which the Indians of the six Nations join with me against the French, for having built a fort at Niagara, on the land of one of the six Nations at the place through which they must pass to go to their own hunting country, which lyes between the three nearest great Lakes, and by which place all the far Indians must pass on account of trade with this Province. By means of this fort the French can hinder and molest these Indians when they please, which is directly contrary to the 15th Article of the Treaty of Utrect. *Refers* to correspondence with Commander in Chief in Canada, and conferences with Six Nations (*v. following*). *Continues*:—By these conferences it will appear to your Grace, that the Onnondages only, who have not the property of the land at Niagara, consented to the French building a house there. But that the Sinnekes, to whom the land belongs, have all along protested against it; and all the six Nations have unanimously begged me to intercede with H.M. to demand the demolition of this fort, as being contrary to the Treaty's, and intended as they beleive, to destroy the six Nations. *Prays that* strong instances may be made at the Court of France for this purpose. *Refers to* enclosures and deed of surrender by the three Nations adjoining the Lakes, *etc. repeating part of following. Concludes*:—" The Commandant's letter, which expressly denys the five Nations to be the subjects of Great Britain, is sufficient proof, how little regard the French in Canada shew to the Treaty. This is a matter of such consequence to H.M. Dominions in North America that I humbly rely on your Grace's obtaining redress *etc.* *Encloses* map, " wherein the places mentioned in the deed of surrender are markt in red ink." *Set out*, N.Y. Col. Docs. V. *pp.* 803, 804. *Signed*, W. Burnet. *Endorsed*,

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Rd. 6th Jan., 172$\frac{6}{7}$. 4 *pp.* *Enclosed,*
361. i–v. Duplicates of *Nos.* 362, 362 i–iv.
361. vi. Map referred to in preceding.
[*C.O.* 5, 1092. *Nos.* 51, 51 i–vi.]

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New York.

362. Governor Burnet to the Council of Trade and Plantations. *Encloses* transactions with the Indians in September. *Continues :*—The chief subject of them, was the fortification the French have lately made at Niagara. As soon as I heard of that undertaking, I wrote to Mr. Longueil, Commander in Chief in Canada upon the death of Mr. de Vaudreuil, *etc.* At the same time I summon'd the six Nations to meet me at Albany, that I might find out how far they had consented to it *etc. v. preceding. Describes proceedings. Urges that* strong instances may be made at the Court of France for redress. *Continues :*—Your Lordships will observe, that I have undertaken for this, which I thought I might lawfully do, but that I have not offered to undertake for the success, for nothing has had a worse effect with our Indians than promising and not performing, they remember exactly what is told them from time to time, and have often complained that they have not been supported according to our promises, with I fear, too much truth and reason. It will give them very disadvantagious impressions of our strength and inclination to protect them, if they find that the French may do what they please, and that we give them no releif and can obtain no redress for them *etc.* I found that the fear they were in of the French, and the hopes they had of our protection, made it a fit time to perswade them to do more than ever was obtained of them before, which was to surrender and submit all the land they live in, by an instrument signed and sealed to H.M. The Maquas and Oneydes live nearest to us, and do not reach to the French Lake, and therefore there was no occasion to mention the matter to them, and if I had proposed it publickly to them it might soon have been known by the French, and have produced some new enterprize of theirs, so that I thought it best to do it with a few of the cheif and most trusty of the three Nations who border upon the Lakes. When I returned from Albany and met the new Assembly here, I represented to them the danger of the French encroachments, and the necessity of our preventing their going on with them, by taking post ourselves on the Lake side at the mouth of the Onnondaga River, to secure our trade there from any surprize, and to protect the Indians upon occasion ; for which service they have provided £300, and with that I am early in the spring to build a fort of stockadoes at that place, and to provide it with an officer and 20 men. When this is done and we are fixt there, I intend to meet the Indians again, and then to get them all publickly to confirm the Instrument which some of them have signed, which I have no reason to doubt of their doing. *Quotes* M. de Longueil's letter showing that he denies that the Five Nations are subjects of Great Britain, and tacitly admits that his design is to hinder the other Indians from passing freely to trade with the English. *Continues:*—That is only a slight instance how little the conduct of the French is conformable to their engagements, but they are continually making use of all their art to set the Indians against us, even for those very reasons which should make the French do quite the contrary, for since the news is come of the late alliance between the two Crowns, they have filled the Indians minds with fears, that orders will come from both Crowns to their Governours to cut off the five Nations, and divide their land between us, and such reports are they perpetually spreading, that it is absolutely necessary that something should be done to convince them that they shall be protected, and never abandoned to the French etc. *Acknowledges* letters of 24th and 28th June just arrived *etc. Set out,* N.Y. Col. Docs. V. *pp.* 783–785. *Signed,* W. Burnet. *Endorsed,* Recd. 6th, Read 10th Jan., 172$\frac{6}{7}$. *Enclosed,*

362. i. Conference held between Governor Burnet and two Sachims each of the Six Nations, in Albany, 7th–14th Sept., 1726, relating to the French having built a fort at Niagara. *Set out,* N.Y. Col. Docs. V. *pp.* 786–800. *Endorsed,* Recd. 6th Jan., 172$\frac{6}{7}$. 38*pp.*

362. ii. The Indians' Deed of Surrender of their lands in pursuance of the agreement of 19th July, 1701. Albany, 14th Sept., 1726. *Signed,* with Totem marks. *Set out,* N.Y. Col. Docs. V. *pp.* 800, 801. *Endorsed as preceding. Copy.* 3 *pp.*

362. iii. Governor Burnet to M. de Longueil. Amboy, 5th July, 1726. *Abstract.* Has learned that about 100 French were beginning to erect a fort at Niagara, with the object of shutting in the Five Nations, and preventing other Indians from going to and fro freely to trade with us as they have been accustomed to do. Expresses surprise at an undertaking so opposed to the Treaty of Utrecht. The Five Nations will always maintain that the lands at Niagara belong to them. "If the fortifying at Niagara is continued, I should be obliged to represent the matter to my Court, for the orders of the Court of France thereupon, as I have heard it, has already expressed its disapprobation of the part M. de Vaudreuil took in the war of the Abenaquis against New England" *etc. Recommends* the bearer, Philip Livingston, *etc. Set out,* N.Y. Col. Docs. V. *p.* 802. *Endorsed, as covering letter. Copy. French.* 2 *pp.*

362. iv. M. de Longueil to Governor Burnet. Montreal, 16th Aug., 1726. *Reply to preceding.* It is not my

intention to shut in the Five Nations, and I do not think I contravene the Treaty of Utrecht in executing the orders I have received from the Court of France as to re-establishing the post at Niagara, of which we have been the masters from all time. The Five Nations, who are neither your subjects nor ours, ought to be much obliged to you for assuming an uneasiness which they have never felt, seeing that, so far from thinking that the establishment of Niagara can bring them any trouble, they have unanimously agreed to it, and again confirmed it in the last Council held at Niagara July 14th. The Governor General, who is coming from France this year, will be able to inform you of the decision of the Court of France. I have no knowledge that the Court disapproved of M. de Vaudreuil's actions *etc.* *Set out,* N.Y. Col. Docs. V. *pp.* 802, 803. *Signed,* Longueil. *Endorsed as preceding. Copy. French.* 2 *pp.* [*C.O.* 5, 1054. *ff.* 39–42*v.*, 43*v.*, 45–63*v.*, 65*v.*–69*v.*, 70*v.*]

Dec. 4. New York. **363.** Mr. Colden to Mr. Popple. As Surveyor General of lands encloses following to be laid before the Board, explaining the motives and proceedings of the Assembly and the possible consequences of repealing the Act *for the easier partition of lands held in common etc.* *Set out,* N.Y. Col. Docs. V. *pp.* 805, 806. *Signed,* Cadwallader Colden. *Holograph.* 3$\frac{3}{4}$ *pp.* *Enclosed,*

363. i. *Same* to the Council of Trade and Plantations. States his objections to the above bill and the reasons against it which he urged in Council. *Set out,* N.Y. Col. Docs. V. *pp.* 807–809. *Signed as preceding. The whole endorsed,* Recd. 10th Jan., Read 10th March, 172$\frac{6}{7}$. *Holograph.* 4$\frac{1}{2}$ *pp.* [*C.O.* 5, 1054. *ff.* 154–158*v.*]

Dec. 5. Boston. **364.** Lt. Governor Dummer to [?]. My Lord, I have the honour of your Lordships lre. of the 29th of August wch. mentions something inclosed but I received nothing besides the letter. Some few dayes before I received a letter from the owners of the snow *Elizabeth* referring to your Lordship's and I should have been very glad of such an oppertunity of shewing the regard I have for your Lordship's commands by doing service to the owners of that vessell. The ship and goods were adjudged in the Court of Vice Admiralty while I was in the Easterne Country to ratifie the peace with the Indians, the goods to lye a year and a day for the owners claim, and the vessell to the King, both subjected to the charges of the tryal and condemnation *etc.* of ye pirates, and tho' I was sorry to finde on my returne most of the goods (as well as the ship) were sold wch. it's possible the owners might have made something more of, and if I had apprehended before I went out of towne any such intention in the Judge I should have advised him to the contrary yet that being his buisness it would not have been proper for me to have interposed any further. However the powder and armes amt. to £497 being by my advice to the Judge lodged at Castle William for the security of them did by that means escape being sold, and the Judge having since decreed the produce of the goods to the owners, I have order'd these to bee deliverd to their Agent free of all charges. The produce of the vessel after all the charges paid out by them is £92 6*s*. wch. I have wrote to the Duke of Newcastle for H.M. directions about agreeable to my instructions. I shall bee glad to hear that the Governour getts well through his affaires, I have not had the favour of a letter from him *etc.* *Signed,* Wm. Dummer. 2¼ *pp.* [*C.O.* 5, 898. *No.* 39.]

Dec. 8. Whitehall. **365.** Mr. Popple to Mr. Fane. *Encloses*, for his opinion in point of law, 16 Acts of New York, 1726, *enumerated.* [*C.O.* 5, 1124. *pp.* 395–398.]

Dec. 10. **366.** Representation of Assembly of Pennsylvania to the Council of Trade and Plantations. *Reply to letter of* 11*th May, laid before them by Lt. Governor Gordon at their first meeting etc.* The tenderness you so generously express for the persons into whose hands the bills of credit may have passed, has laid those people under the deepest obligations by us the Representatives to return you our most humble thanks and acknowledgments, for your great goodness and compassionate regard to them herein. But that you may be more fully and clearly apprised of the regular procedure of the Legislature in establishing that currency, the necessity that led into it, the advantages that not only this Colony but those who deal with us as well in Britain as elsewhere daily receive by it ; and the security that guards it against those inconveniences that might be apprehended from it, we humbly beg leave to represent our case as follows, vizt. That gold and silver being acquired principally by our trade to the West Indies, which depending on contingences that are not in the power of man to direct, we therefore at divers times had less or more of those species in proportion as our commodities were in demand. But by the general damp that was given to trade in 1720 and the great fall of our produce, about the same time we were in 1721 and 1722 so effectually drained of our coin, which for want of other returns was generally shipt off to Britain ; that the inhabitants of every degree were reduced to the greatest straits : debts could not be discharged, nor payment be made, the rents of houses fell, many whereof were deserted, and the value of all lands and improvements sunk considerably : families

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who had lived well could scarce find means to purchase necessary provisions for their support, and therefore both artificers and traders were obliged to quit the country in serch of employment and sustenance elsewhere: But above all our ship-building, by which the most advantageous returns for Britain had been made was so generally declined that our yards appeared almost empty, and all trade discouraged: such was the distressed condition to which this country was at that time unhappily reduced. That in $172\frac{2}{3}$ the Governour and Assembly moved by the petitions, and complaints of great numbers of the inhabitants of each county, thought themselves obliged to take into their serious consideration the distressed circumstances and sufferings of the people, through that extreme want of some kind of currency for pay. Divers expedients were thought of to remedy the grievance, and particularly the proposal to make the produce of our country a lawfull tender in payments was considered; but being found too bulky, and soon subject to decay was rejected: They were therefore after a most anxious search fully convinced there was no other safe method left, than the scheme, that upon the maturest deliberation they fell into, which was to strike a quantity of bills of credit to be emitted out of a Provincial Bank, on the security of real estates in fee simple, to be pledged in double the value of the sum lent, and accordingly bills were in that manner issued for £15,000 of our American money. These bills being emitted their effect very sensibly appeared in giving new life to business, and raising the country in some measure from its languishing state but at the same time it was also manifest that tho the method was effectual in its kind yet the currency fell short in quantity, and was in no wise proportioned to the occasions of the people nor sufficient to circulate the bulk of our trade. Therefore the Legislature in the next ensuing year, being enabled by the first experiment to form a more exact judgment of what the circumstances of the country and our commerce would require, found it necessary to strike £30,000 more on the like security of real estates *etc. Refer to Acts. Continue*:—These bills may it please your honours being put into the Bank, the country began to feel a general relief, debtors who lay under the heavy pressure of obligations that they could not before discharge, and such as by securing their estates on mortgages were in hazard of loosing them, now found an easie method of relieving themselves, and answering their just debts, by taking up the money at a low interest, to be gradually repaid in parcells, and in a manner they could easily comply with: such also as had lands or other real estate, and wanted stock were on the same terms supplyed; the whole quantity that was struck being thus in a very short time emitted, and diffused into the people's hands, the face of our affairs appeared entirely changed. Traders exerted themselves, the produce of our country came

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into demand and bore a price, whereby the people were better enabled to pay the Proprietors quit rents and answer other demands, our City fill'd again with inhabitants, artificers found employmts., our British trade encreased, and strangers from the encouragement of finding a ready pay resorted to us. Ship-building was vigorously carried on, and both our ship-wrights' yards and our port were fill'd with shiping insomuch that this present year, as appears from the list of registers double the number of vessells have been built at Philadelphia, that had been in any year before a paper currency, and by the Naval Officer's books we find that the tons of shipping cleared at the same port in 1722 amounted to no more than 3531, whereas this year there have been already cleared 6655 tuns besides several large vessells yet in port that are to sail before the year expires. But another vast advantage that has accrued to the Publick from these bills and which very nearly concerns us as an Assembly is this, that at the time of striking them the funds for support of Government raised by imposts on shipping had proved so deficient for several years before, that in 1722 the Provincial Treasury was found to be near £3000 in debt and this debt every year encreasing; yet by means of this currency we have been enabled to sink that debt by the appropriation of a moderate excise on retailed liquors, reserving for the support of Government, and defraying the charges attending it a yearly income of £1800 arising from the easie interest of 5 p. cent. on the principal money lent out of the publick bank etc. We have now a fair prospect of being able to supply Britain with large quantities of pig-metal, from the furnaces and works already erected or carrying on, which without this currency would have been impracticable to most of the undertakers, and these 'tis hoped will be followed with returns also of hemp and silk, towards the raising of which some considerable advances have been made. We may therefore with great truth assure your honours that this currency has been so far from proving a detriment either to this Province or the British trade that it has been evidently beneficial to both. But the annual sinking of our bills as the Acts direct did so sensibly lessen the quantity that in all probability this Province would soon have been reduced to the same straits and difficulties it had been under some time before. Which induced the Legislature in 1726 to pass an Act for re-emitting the annual payments of the principal sums for the term of six years thence next ensuing, yet with this provision that the sums to be re-emitted yearly, should be duely sunk, and within the same time as is provided for sinking the original sums struck by virtue of the said former Acts. Now altho' this Act at first view may in some measure seem to interfere with your honours' directions in your Secretaries letter, which was not only received but wrote several months after the last mentioned Act was passed; and put in execution; we again beg leave to assure you that from the experience we have had of it and the great relief it gives to borrowers it will not only contribute highly to the ease and benefit of the country: but it is so far from lessening the credit or value of our bills that the discount they some time since bore with gold and silver is now reduced to less than half of what it was when that Act was published, and in some little longer time we hope they may come entirely to a par, which can be said of very few other bills of credit now in being in America. As to those of Carolina and the ill consequences attending them in your Secretaries letter, it would be a presumption in us to inform your honourable Board, whose station gives you so perfect a knowledge of the state of all H.M. Colonies: on how different a foundation they are established from these of ours, as appears from the Acts themselves *etc.* Theirs were struck to raise great sums for the use of the Government in the time of the greatest pressures from their enemies to be sunk by a paymt. of taxes in succeeding years depending on vast uncertainties, while ours have the solid basis of real security subject to no casualties unless from the greatest publick calamities, against which no estates can be secure. *Pray the* Board to recommend the last Act, as the former, for H.M. approbation. *Signed,* Dad. Lloyd, Speaker, By Order of the House, this tenth day of the 10th Month, 1726. *Endorsed,* Recd. (from Mr. Perry) 15th March, Read 25th April, 1727. 6¾ *pp.* [*C.O.* 5, 1266. *ff.* 247–250*v.*]

Dec. 12. Philadelphia. **367.** Lt. Governor Gordon to the Duke of Newcastle. The American Provinces being more imediatly under your Grace's care and protection, I could not be so much wanting in my duty as not to apply myself to your Grace in behalf of the people of this Collony who are justly apprehensive of the many ill consequences that may attend the transporting here from Holland the great numbers of Palatines that dayly arive in these parts *etc.* Has written fully "to the Earl of Ila, who I am hopefull will inform your Grace more particularly of our circumstances here," *etc. Signed,* P. Gordon. *Holograph.* 2 *pp.* [*C.O.* 5, 1234. *No.* 9.]

Dec. 14. Whitehall. **368.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of New York, 1726, *to vest in Thos. Hicks, of Flushing in Queen's County, Gentleman, in fee simple certain lots of land whereof he now stands seized, in fee tail, and to enable him to sell the same etc.* [*C.O.* 5, 1124. *p.* 399.]

Dec. 14. **369.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 11 Acts of Jamaica submitted to him 27th July. *Signed,* Fran. Fane. *Endorsed,* Recd. 17th Dec., 1726, Read 26th Feb., 172$\frac{6}{7}$. 2½ *pp.* [*C.O.* 137, 17. *ff.* 137–138*v.*]

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370. Mr. Fane to the Council of Trade and Plantations. Has no objection to Acts of St. Kitts submitted 8th July. *Signed*, Fran. Fane. *Endorsed*, Recd. 17th Dec., 1726, Read 23rd April, 1729. 1½ *pp*. [*C.O.* 152, 17. *ff.* 51, 51*v*., 52*v*.]

Dec. 15.

371. *Same* to *Same*. Has no objection to Acts of Antigua, Barbados and Bermuda referred to him 8th and 29th July. *Signed*, Fran. Fane. *Endorsed*, Recd. 17th Dec., 1726, Read 24th Feb., $172\frac{6}{7}$. 1½ *pp*. [*C.O.* 152, 15. *ff.* 308, 308*v*., 309*v*.]

Dec. 15.
Whitehall.

372. Duke of Newcastle to the Council of Trade and Plantations. *Enquires* whether they have any objection to George Lillington who is proposed for the Council of Barbados *etc*. *Signed*, Holles Newcastle. *Endorsed*, Recd. 17th, Read 20th Dec., 1726. 1 *p*. [*C.O.*, 28, 18. *ff.* 316, 317*v*.]

Dec. 15.
Whitehall.

373. Council of Trade and Plantations to the King. In reply to 29th Nov., have no objection to Benedict Leonard Calvert as Lt. Governor of Maryland, provided he give the usual securities *etc*. [*C.O.* 5, 1293. *p*. 404.]

Dec. 16.
Spanish Town,
Jamaica.

374. President Ayscough to the Duke of Newcastle. *Acknowledges* letter of 23rd Sept., with H.M. letter and Order in Council, and the reasons for rejecting the last Revenue bill past here, and H.M. letter "enforcing his former commands with respect to the draught of the bill for perpetuating our laws, which draught lies now before our Assembly." *Continues* :—It is with the greatest concern imaginable that I am obliged to acquaint your Grace that, notwithstanding H.M. most gracious recommendations, the Assembly have not yet thought fit to take this draught into their consideration, altho' I have in the most pressing manner often recommended it to them ; their time has been chiefly taken up in peevish quarrels and disputes, and at last they came to a resolution to proceed to no business until such time they had received satisfaction for a message that I sent to them at the desire of the Council, pressing them to take H.M. gracious recommendations, without any further delay, into their consideration ; This they lookt upon as an infringement on their pretended rights and priviledges : I endeavoured to soften matters as much as possible ; but all to no effect ; for in place of paying a dutiful obedience which they ought to have done to the King's commands they lessened their Quorum to five Members to meet and adjourn, and would proceed to no business, so that a prorogation became absolutely necessary, and the holy-days being so near at hand, I have with the advice of the Council prorogued them to the 2nd of January ; at which time I shall not fail to lay before them the fresh instances of H.M. great goodness and condescension, and of the Orders I have received with your Grace's last letter: I heartily wish they may meet in a better temper and that they may seriously reflect on the present condition and circumstances the country is now reduced to for want of laws; but how far their passions may govern their reason is hard to guess; I fear the worse; however nothing shall prevail with me to give up the least tittle of H.M. Prerogative or the Orders I have received by H.M. command from your Grace. Since my last letter Admiral Hosier with his Squadron are arrived here from Portobell in a very distressed condition for want of men, there has been a great mortality and sickness among them; but of this I presume the Admiral will give your Grace a more particular account than I am capable of doing; and I am persuaded he will do me justice and acquaint you that I have with the utmost vigilance and zeal assisted him in all his demands for H.M. service; by which means he hopes in a few days to be ready with five sail to return back to Portobell *etc.* *Signed,* J. Ayscough. *Endorsed,* R. 22nd Feb. 2¾ *pp.* *Enclosed,*

374. i. Minutes of Council of Jamaica, 14th Dec., 1726. Admiral Hosier acquainted the Board that in five or six days time he would have five ships ready to go to sea provided he could be supplied with men. "When I waited last on the President and Council, everybody came readily in to provide men for H.M. service; but the measures that have been taken, have as yet been but of little service *etc.* The whole peace of Europe depends in keeping these galleons in these parts *etc.* By advice from Portobello, they will sail the middle of this month *etc.* When this service is over, I will return every man to the Island" *etc.* *Bredah,* 11th Dec., 1726. *Signed,* F. Hosier. The Council "with the greatest chearfulness and unanimity," resolved that Admiral Hosier be at liberty to impress one half of the sailors from each ship in Kingston and Port Royal *etc.*, and that the militia of eight parishes be called out and the negroes, Indians and mulattos, belonging thereto be sent on board the Admiral's ship, together with a half company of soldiers from Port Royal. 4 *pp.* [*C.O.* 137, 52. *ff.* 306–309*v.*]

Dec. 17.
Spanish Town, Jamaica.

375. Duplicate of preceding covering letter. *Endorsed,* R. April 10th. [*C.O.* 137, 52. *ff.* 314–315*v.*]

[Dec. 18].

376. Address of the President and Council of S. Carolina to the King. *Express* abhorrence of the endeavour of the Emperor and King of Spain "to deprive your Majesty's subjects of the most valuable branches of their trade and commerce and to raise an intestine warr in your Kingdoms by

1726.

placing a Popish Pretender on the Throne. We will to the utmost of our power exert ourselves against all your enemics " *etc.* *Signed*, Arthur Middleton, P., Ra. Isard, James Kinloch, Wm. Bull, A. Skene, B. Schenckingh, Benja. de la Conseillere. *Endorsed*, In their letter of Dec. 18, 1726. 1 *large p.* [*C.O.* 5, 383. *No.* 24.]

Dec. 19.
New York.

377. Governor Burnet to the Council of Trade and Plantations. *Acknowledges* letter of 28th June, with opinion on the property of mines in New Jersey. *Continues* :—I have not had any late application made to me upon this subject, and whether the persons who formerly applyed to me about it, are still of the same opinion, I cannot tell, but unless I could give them some assurance what terms I might offer them in H.M. name, I am satisfyed that they will make no discovery *etc.* *Suggests that* the Board should apply for H.M. orders to him upon that head *etc.* *Continues* :—I am very glad to find that your Lordships are now so well satisfied with the Act *for making current* £40,000 *in bills of credit* passed in New Jersey in 1723, but I am very much concerned at your Lordships shewing your dislike to the Act for the support of the Government passed in 1725 *etc.* I must confess that your Lordships' censure against such alterations as may render the funds insufficient to sink the bills is too just to admit of any reply, and that such a proceeding could not fail to hurt the credit of the bills. But I humbly crave leave to represent to your Lordships that in this case the fund for sinking the bills, is compleat without applying any of the interest to it, by the payments of the principal moneys in twelve years, and that the applying the interest that way, was an addition of my own, to the first scheme, in order to make the bills be sunk the faster for greater security to their credit. But this I then did against the inclination of the people, as your Lordships may perceive by the words of the first Act, by which no certain method or time is fixt for sinking the interest, but only it is enacted that *the Treasurers shall keep the same in their hands, and render an account thereof to the Governor, Council and General Assembly, when thereunto required and deliver the same to be sunk in their presence.* So that to sink this interest money, even by that Act the Assembly must agree with me to call it in from the Treasurers, and to be present when it is sunk, which I don't beleive they will now consent to, in which case it must remain in the Treasurers' hands. Besides it is urged that this clause about sinking the interest, is utterly inconsistent with another clause in the said Act of 1723, that *the said bills shall continue current for* 12 *years etc.* Now if they be sunk in ten years, how can they be current for twelve years ? These observations I hope will make your Lordships think that an alteration in this particular of the interest, was not so much inconsistent with the first Act, as needfull to make the first Act more consistent with itself. When the Assembly met last in order to continue the support of that Government, they thought it was very hard to make the people pay further taxes at a time when part of the profit by the scheme lay in the Treasury, and that there was no danger at all to the credit of the bills from it, and for this reason I complyed with them in altering the application of the interest money of the first year. And since experience is a surer rule in these matters than theory only, I have the satisfaction to send your Lordships authentick certificates of the present value of the New Jersey bills, both from the merchants of New York and Amboy, which I hope will satisfy your Lordships that this alteration in applying the interest money has not at all hurt the credit of the bills, but that their credit is considerably advanced since that has been done. But as your Lordships' commands are a rule to me, which I shall always observe, I shall not consent to any such further application of the interest moneys, or any other alteration, unless your Lordships upon taking into consideration what I have now laid before you, and particularly that the bills are in better credit than ever, shall be pleased to withdraw your prohibition to me upon that head. I am to meet the Assembly in New Jersey in May next, and therefore it would be a very great favour to me, if your Lordships will be pleased to let me know your final sentiments upon this matter by the first vessel that shall sail from London for this port in the Spring. When the Assembly meets next, I know that they will be very uneasy at the thoughts of taxing the people, to defray the incidental charges of their meeting, when so much money lyes by as a dead stock till it at last shall amount to a great sum, which will be no ease to anybody till nine or ten years hence, and these incidental charges which are provided for at every meeting besides the constant uniform support of the Government, are the reason of the query which your Lordships have made, how it comes that *the whole provision made by the Act of* 1725 *for the service of the Government for five years, amounts to* £6350 7*s. of which* £2410 7*s. is said to be necessary for the first years service only.* The reason of which sum for the first year being so large, is, because the *contingent charges of the Council and Assembly's* meeting are defrayed out of it, according to the 28th of my Instructions, and as they would never grant above £500 pr. annum for the constant salary of the Governours it has been usual to provide a further salary for him at the meeting of the Assembly, in consideration of the great charge of removing his family and part of his furniture from New York either to Burlington or Amboy, in order to enable him to support the *dignity of the said office* according to the said Instruction. I must upon this occasion observe to your Lordships, that there is no house for

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the Governour of New Jersey to reside in, and that I have been obliged to purchase a house at Amboy to live in when I go thither, and to hire a house at Burlington as often as the Assembly meets there. So that my salary of £500 a year alone, would bring me in debt by my Government of New Jersey, and the reason why the Assembly dont incline to give a greater constant salary, is, because they would not leave it to an uncertainty for five years, whether the Governour will meet them so often as they desire, and therefore they reserve the addition to be made to his salary, to every meeting. To explain this more fully, *encloses following accounts. Continues :* —Mr. David Lyoll, a Member of the Council for the Eastern Division, being lately dead, I beg leave to recommend to your Lordships Mr. Cornelius van Horn to be a Councellour for New Jersey in his room. He has a plentifull estate in the Eastern Division, and is every way well qualified for that office *etc. Signed,* W. Burnet. *Endorsed,* Recd. 16th, Read 22nd Feb., 172$\frac{5}{6}$. $7\frac{1}{2}$ *pp. Enclosed,*

377. i. Accounts of the Western Division of New Jersey, Sept. 23, 1720–1725. Sworn to by the Treasurer, John Allen. *Endorsed,* Recd. 16th Feb., 172$\frac{5}{6}$. 13 *pp.*

377. ii. Accounts of the Eastern Division, 5th Dec. 1724—29th Oct. 1726. Sworn to by Michael Kearny, Treasurer. *Endorsed as preceding.* $15\frac{1}{2}$ *pp.*

377. iii. Certificate by merchants of New York. The New Jersey paper money issued 1724 was at first refused and then at a discount in New York for the first year, but has since risen to a premium of 6*d.* to 1*s.* in the pound over New York money. 1st Dec. 1726. *Signed,* Richard van Dam, John Roosevelt *and* 19 others. *Same endorsement.* 1 *p.*

377. iv. Certificate by the Mayor of New York that above signatories are some of the most substantial merchants of New York and their hand writing and the facts are well known to him *etc. Signed,* Robt. Lurting. *Seal* of the City of New York, by order of the Mayor. *Signed,* Will. Sharpas Clk. $\frac{1}{2}$ *p.*

377. v. Certificate by merchants of Perth Amboy. 15th Dec. 1726. Confirm preceding and add that the New Jersey currency has always passed without discount in Pennsylvania. Between the currencies of both these Provinces and gold there was a discount of 15 p.c. in 1724, but this has decreased to 5 p.c. and is decreasing *etc. Signed,* Andw. Johnston and 13 *others. Same endorsement.* 1 *p.*

377. vi. Certificate by the Mayor of Perth Amboy that the above signatories are some of the most substantial merchants of Perth Amboy, and that the facts and their handwriting are well known to him *etc. Signed,*

John Parker, Mayor. *Seal* of the City of Perth Amboy. ½ *p.*

377. vii. Account of negroes imported into the Eastern Division, 20th July, 1698—22nd Dec., 1726. Custom House, Perth Amboy. *Total*, 115. Imported from the West Indies and only in the years 1718, 1720–22, 1725, 1726, by 11 ships. *Same endorsement.* 1 *large p.* [*C.O.* 5, 972. *ff.* 107–117*v.*, 120*v.*–129, 130–131, 132–133*v.*]

Dec. 20. New York. **378.** Governor Burnet to the Duke of Newcastle. Encloses following, and refers to matters mentioned therein. *Set out*, N.Y. Col. Docs. V. *pp.* 809, 810. *Signed*, W. Burnet. *Endorsed*, Rd. Feb. 16. 4 *pp.* *Enclosed*,

378. i, ii. *Same* to the Council of Trade, Dec. 19 and 20. *Duplicates.* [*C.O.* 5, 1092. *Nos.* 52, 52 i, ii.]

Dec. 20. New York. **379.** Governor Burnet to the Council of Trade and Plantations. *Encloses* duplicates of Dec. 4 *etc.* *Explains* discrepancies in accounts of export of furs *etc.*, and refers to accounts of negroes. "There are few negroes, if any imported in West New Jersey." *Encloses* and *comments on* 12 Acts passed in New York, 11th Nov. last. The first Act explains the Act for regulating the Indian trade in Albany *etc.* "The Act here explained was past in June last, but has been found to be defective in providing against many evasions that have since been found out to avoid it, so that it was necessary to make it stronger and more effectual, and as the people of Albany have long been used to practise a clandestine trade by the help of the Indians, it is very difficult to detect them, and to bind them any way to observe the laws in force, without making it their interest to discover one another, which is the scheme upon which this Act and the former are contrived *etc.* (iii) The Act for *regulating and securing the Indian trade to the westward of Albany, and for defraying the charge thereof*, is intended to enable me to build a fort and lodge 20 souldiers with an officer in it, upon the mouth of Onnondaga River, but because it might be of ill consequence to give the French notice of it till it is done, I thought it proper that it should be expressed in general terms and that only a trading house should be mentioned. It was likewise intended to prevent the frauds usually committed in the trade with the Indians, by a Commissary who has power by this Act to do justice to the Indians on their complaint. I hope by these measures that the trade on the Lake will improve every year more and more, as it has done hitherto, notwithstanding all the French have done, for they have not yet thought fit to attempt to stop the far Indians by force, from passing to us, and when they do, they will have a difficult task of it. (iv) An Act for *the easier partition of* *lands held in common and promoting the settling and improvement thereof, and for confirming former divisions in the settled townships etc.* It is certain that several familys have left this Province for many years past because they could not find lands to purchase here with a good title, because they are mostly held in common, and remain yet undivided. This Act is conceived in terms less lyable to objections than any of the former." But as a similar Act was disallowed 9th July, 1719, " I would not give my consent to this Act without a clause," providing that it should not be in force without H.M. approbation *etc.* (vii) By an Act to appoint an Agent, they have agreed to appoint Peter Le Heup, at my recommendation, but for one year only *etc. Other Acts enumerated. Continues :*—The necessity of making provision for a fort on the Onnondaga River obliged me to meet the new Assembly this fall. *Refers to Minutes. Continues :*—They were inclined to follow the steps of their predecessors, in lessening the salary's of some of the Officers of the Government by their own authority. But I gave them no other answer, except, that *I would advise with the Council about it,* who accordingly as I expected, were unanimously of opinion that the Assembly were encroaching on the undoubted right of the Governour and Council. The Assembly however enquired no more after it, and chearfully went through their other business, and I have since issued warrants in Council to all the Officers of Justice as usual, contrary to the resolves of the Assembly, but I have moderated the salary's of the Officers of the Revenue, because the duty's on merchandize are not near so many as before, and consequently the trouble of the officers is considerably lessened. I have hereby engaged myself in a contest with the Assembly, to support H.M. Prerogative, which I am resolved to do at the risk of their dissatisfaction, though it should be ever so much against my private interest, and I hope your Lordships will think my conduct therein worthy of your approbation *etc. Encloses* accounts of revenue, quit-rents, stores, and sessional papers *etc. Set out,* N.Y. Col. Docs. V. *pp.* 810–814. *Signed,* W. Burnet. *Endorsed,* Recd. 16th, Read 23rd Feb., 172$\frac{6}{7}$. 11½ *pp. Enclosed,*

379. i. Account of Revenue of New York, 5th June 1721–1722. *Receipts,* £4301 7*s.* 6¼*d. Expenditure* : £3262 17*s.* 6*d. Signed,* Abraham De Peyster junr., Treasurer. 2 *pp.*

379. ii. Account of Revenue, 5th June, 1722—14th May, 1723. *Receipts,* including above balance, £6332 10*s.* 8*d. Expenditure,* £4603 2*s.* 8¼*d. Signed as preceding.* 4 *pp.*

379. iii. Account of Revenue, 14th May, 1723–1724. *Receipts,* including above balance, £5329 0*s.* 9¾*d. Expenditure,* £3809 7*s.* 1½*d. Same signature.* 2 *pp.*

379. iv. Account of Revenue, 14th May, 1724—13th June, 1725. *Receipts,* including above balance, £8508 17*s.*

2¾*d.* *Expenditure,* £7230 15*s.* 5¼*d.* *Same signature.* 6 *pp.*

379. v. Account of Revenue, 13th June, 1725—20th April, 1726. *Receipts,* including above balance, £5279 10*s.* 9¼*d.* *Expenditure,* £3630 4*s.* 10½*d.* *Balance,* £1649 5*s.* 10¾*d.* *Same signature.* 2 *pp.* *Nos.* i—v, *endorsed,* Recd. 16th Feb., 172$\frac{6}{7}$.

379. vi. Account of £1600 granted to supply the deficiencies of the Act for the support of Government. £1600 paid, leaving balance as in preceding, *plus* £3 1*s.* 2*d.* since received, £3252 7*s.* 0¾*d.* *Signed as preceding.* These accounts were all sworn to Dec. 17, 1726, by the Treasurer before me. *Signed,* W. Burnet.

379. vii. List of warrants drawn in Council upon the Revenue and paid by the Treasurer of New York, 5th June, 1721—20th April, 1726. *Total,* £23,107 14*s.* 1¾*d.* *Endorsed,* Recd. 16th Feb., 172$\frac{6}{7}$. *Copy.* 15 *pp.*

379. viii. Account of H.M. Quit-rents for New York, 8th Aug., 1722—29th Sept., 1726. *Signed and sworn to* by Archibald Kennedy, Receiver General, 20th Dec., 1726. *Endorsed as preceding.* 12 *pp.*

379. ix. Account of men, arms and stores at Fort Hunter. *Signed,* William Helling. 1 *p.*

379. x. Account of the fort, arms and stores at Albany. 4th Nov., 1726. *Signed,* Henry Holland. 1½ *pp.*

379. xi. Account of arms and stores at the fort at Schenectady. *Signed,* John Collins. 1 *p.*

379. xii. Account of arms and stores at Fort George in New York. *Signed,* Wm. Bond. 2½ *pp.* *Nos.* ix—xii, *endorsed,* Recd. 16th Feb., 172$\frac{6}{7}$.

379. xiii. Account of negroes imported into the Province of New York, 1701–1706. *Totals :* from West Indies, 1573. From Africa, 822. All imported by separate traders, none by African Company. *Set out,* N.Y. Col. Docs. V. *p.* 814. *Signed,* Archd. Kennedy. *Same endorsement.* 1 *p.* [*C.O.* 5, 1054. *ff.* 92–97*v.*, 98*v*, 99, 100*v.*, 101, 102*v.*, 103, 104*v.*, 105, 106*v.*, 107, 108*v.*, 109, 110*v.*, 111, 112*v.*, 113, 114–115, 116–123*v.*, 124*v.*, 125*v.*, 126*v.*, 127*v.*, 128*v.*, 129*v.*, 130*v.*, 131, 132, 133, 134, 135, 136, 137–138, 139–140, 141–143*v.*]

Dec. 20.
New York.

380. Governor Burnet to Mr. Popple. Refers to enclosures and preceding letter. *Concludes :*—I have writ to the Lords very pressingly about the New Jersey Acts to take off their objections against the last of them. I shall be much obliged to you, if you can prevail upon their Lordships to meet upon that affair before the first ships in the spring sail for New York *etc.* P.S. I desire you will give my duty to my Lord

Westmorland, and acquaint him, that by reason that the river is frozen up between this place and Albany, I could not get the seeds he wants of white pines this year, but shall not fail to get them next year. There are no white firs in the country. *Signed,* W. Burnet. *Endorsed,* Recd. 16th, Read 23rd Feb., 172$\frac{6}{7}$. 2 *pp.* *Enclosed,*

380. i. List of (12) Acts passed by the Assembly of New York, 11th Nov., 1726. $2\frac{1}{2}$ *pp.* [*C.O.* 5, 1054. *ff.* 144, 144*v.*, 145*v.*–147*v.*]

Dec. 20. Whitehall. **381.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Virginia, 1726, *to confirm the title of Richard Randolph, etc.* [*C.O.* 5, 1365. *p.* 307.]

Dec. 20. **382.** Col. Spotswood to the Council of Trade and Plantations. Replies to Queries relating to his lands and again states his case. *Endorsed,* Recd., Read 20th Dec., 1726. $9\frac{3}{4}$ *pp.* [*C.O.* 5, 1320. *ff.* 97–101*v.*, 102*v.*]

Dec. 21. Whitehall. **383.** Council of Trade and Plantations to the Duke of Newcastle. *In answer to* 15*th inst.* We know of no vacancy in the Council of Barbados at present, but having some time since had a good character of Mr. Lillington, we shall recommend him to H.M. to supply the first vacancy *etc.* *Autograph signatures.* 1 *p.* [*C.O.* 28, 39. *No.* 39 ; *and* 29, 14. *p.* 428.]

Dec. 22. **384.** Mr. Fane to the Council of Trade and Plantations. *Report upon* Revenue Act of Jamaica. The Legislature in Jamaica have not in any instance in this Act pursued your Lordships' Instructions to the Governour in relation to the Revenue *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 10th Jan., Read 4th Oct., 1727. 1 *p.* [*C.O.* 137, 17. *ff.* 21, 22*v.*]

Dec. 22. Fleet street. **385.** Jer. Dummer to [? *Mr. Delafaye*]. Encloses following, and prays for the Duke of Newcastle's favour for obtaining H.M. pardon for Condick *etc.* *Signed,* Jer. Dummer. $\frac{3}{4}$ *p.* *Enclosed,*

385. i. Mr. Willard, Secretary, to Jer. Dummer, Agent for the Massachusetts Bay. Boston, 16th Oct., 1726. The Lt. Governor and Council desire you will obtain a pardon for George Condick, a convict of piracy, but reprieved for 12 months in order to his obtaining the King's mercy *etc.* *Extract.* $\frac{1}{2}$ *p.*

385. ii. Certificate by Samuel Tyley, Register of the Court of Admiralty, Boston. George Condick was condemned and reprieved in said Court (*v.* No. i), in consideration that he was commonly intoxicated and an ignorant young man, and mostly employed as cook on board the snow *Elizabeth etc.* 29th Oct.,

1726. *Signed,* Samuel Tyley Regr. 1 *p.* [*C.O.* 5, 898. *Nos.* 40, 40 i, ii.]

Dec. 23. **386.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to Sept.* 14. We are of opinion nothing contained in the said Act of Parliament can be construed to take away the right reserved to the Crown by the said Charter as to trees of the diameter of 24 inches, at 12 inches from the ground, whether the same are growing within or out of any township ; the intention of the said Act appearing to us to be to make a larger provision for preservation of white pine trees, than was done by the Charter, by prohibiting under severe penalties the cutting down such trees growing without the limits described in such Act, notwithstanding they might happen to be property of private persons and of dimensions different from those described in the Charter, without H.M. license ; But we conceive that this is so far from having weaken'd or prejudiced any particular right vested in the Crown to such trees, that the same is rather secured thereby, since if any white pine trees shall be cut down, which shall happen to be both within the reservation of the Charter, and the prohibition of the Act of Parliament, the King may have a new remedy against the offenders by suing for the penalties inflicted by the Act in the summary method thereby directed. *Signed,* P. Yorke, C. Talbot. *Endorsed,* Recd. 24th Dec., 1726, Read 3rd Jan., 172$\frac{6}{7}$. 4 *pp.* [*C.O.* 5, 869. *ff.* 358–359*v.*, 360*v.*]

Dec. 24.
Annapolis
Royall.

387. Lt. Governor Armstrong to the Council of Trade and Plantations. *Refers to* letter of 24th Nov. *Continues* :—Since that I have received advice from Govr. Dummer, yt. he is inform'd from Albany yt. sevl. partys of Indians from Canada are marching towards the New England fronteers ; And yt. there being two women and two children missing, its beleived there, that the Indians have carried them off, and intend to commence a new warr. We are here as yet in peace and quietness, but from those motions of the Canada Indians, we have also the same reason to suspect a rupture ; And if should be attacqued, I must again informe you, that by reason of the many large breaches, the Garrison is in a very defenceless condition, as further appears by the enclos'd representation of our present state, upon which through the advice of all ye Gentlemen of the Garrison, which is also enclos'd, I have order'd Lt. Milledge belonging to the Honble. Board of Ordnance (it being impossible to repair the breaches this winter) to plant picketts, round upon the parrapett of the works, for our present security till further orders from yt. Honble. Board ; which considering the advice I have recd. as aforesaid, I hope will meet with both their and yor. Lordps. approbation. Since my last we have recd. both cloaths and beding for the troops, and we are at present a very healthy Garrison. There are some murmourings amongst the Officers as if their subsce. was not duely answered by the Agent, but as none have complain'd thereof to me, I shall not trouble you with what may be groundless, further than to represent what hath happen'd to myself, and cannot avoid complaining of the severity of my usage *etc.* Before I left I was obliged to draw on Colo. Gardner for ye subsce. of the troops there, from 23rd Feb. 172$\frac{5}{6}$ to 24th Aug. last, which I divided into two setts of Bills of Excha. And ye one being in favr. of one Mr. Brabant, master of a vessell belonging to Mr. Couper the Agent Victualler at Plym., I have advice that it is protested for non-acceptance through pretence of no letter of advice, which affirme is groundless, for I allways gave due advice, and never fail'd sending at the same time a distribution of all the subsce. bills, which I have rais'd at Canso to the credite of 200 p. ct. but by such usage as this, it's to be fear'd, they will be reduced to the excha. that this part of the Regiment is paid at, which is no more than 150, which in my humble opinion is an imposition upon both officer and soldier whose subsce. bills if duely paid, might be dispos'd of to the merchts. at the highest excha. As to my other bill (*v. supra*), I have as yet no advice thereof, for which reason I hope it's paid. In my last I advised you of the necessity the Garrison was in for provisions, through (as I was inform'd at my arrival here) Mr. Rowland's neglect, which at the request of the Gentlemen here, I was necessitated to undertake the victualling ; And in order to enable me, the Capts. having lent me their companys bills of subsce. from Augt. last to Feb. next, I have drawn for the same, of which I hope you will forward the payment. Mr. Borland having caused the pork formerly condemn'd by survey here, to be resurvey'd at Boston, he again returned the same to the Garrison ; But upon ye advice of all the Gentlemen here *etc.*, and (Mr. Borland having in other cases brock his contract with Thomas Missing Esq.) I have refused receiving of it *etc.* *Refers to enclosures.* *Signed,* L. Armstrong. *Endorsed,* Recd., Read 1st June, 1727. $3\frac{3}{4}$ *pp.* *Enclosed,*

387. i. Copies of surveys of provisions at Annapolis Royal, condemning the pork supplied by Mr. Boreland, with protest by officers of the Regiment, *etc.* Aug., 1726. Mr. Borland's survey at Boston was made by those in his interest or employment *etc.* $5\frac{1}{4}$ *pp.*

387. ii. Resolution of officers of the Garrison, rejecting the pork returned by Mr. Borland, 20th Dec., 1726. *Endorsed,* Recd. June, 1726. 5 *pp.*

387. iii. Lt. Governor Armstrong's Order to Lt. John Milledge, 8th Dec. 1726, to repair the magazine and fortifications so far as the season of the year will

permit *etc.* *Signed,* L. Armstrong. The officers of the garrison approved of this order and advised that pickets be cut and planted round the parapet, there being no possibility of securing the many breaches otherways this winter. 14 *signatures. Endorsed as preceding. Copy.* 2 *pp.*

387. iv. Deposition of Capt. John Blower as to the nature of Mr. Borland's survey (*v. No.* i), 19th Dec., 1726. *Signed,* John Blower. *Same endorsement.* $1\frac{1}{2}$ *pp.*

387. v. Representation of Lt. Governor Armstrong and the Officers of the Garrison upon the increasingly ruinous condition of the magazine and fortifications *etc.* 16 *signatures. Same endorsement.* 4 *pp.* [*C.O.* 217, 4. *ff.* 254–372*v.*; *and* (*abstract of covering letter only*) 217, 30. *p.* 21.]

Dec. 24. Annapolis Royall. **388.** Lt. Govr. Armstrong to the Duke of Newcastle. Repeats preceding covering letter, *mutatis mutandis. Endorsed,* Rd. June 2nd, 1727. 4 *pp. Enclosed,*

388. i, ii. Duplicates of encl. iii and v preceding. [*C.O.* 217, 38. *Nos.* 14, 14 i, ii.]

Dec. 25. **389.** Petty expenses of the Board of Trade, Michaelmas to Christmas, 1726, £98 13*s.* 3*d.* Stationery, £65 7*s.* 9*d.* Postage, £24 12*s.* *Endorsed,* Read Jan. 10, 172$\frac{6}{7}$. $4\frac{3}{4}$ *pp.* [*C.O.* 388, 78. *ff.* 153, 154*v.*, 157–158*v.*, 160, 160*v.*]

Dec. 28. **390.** Mr. Fane to the Council of Trade and Plantations. Has no objection to the three Acts of New York referred to him 29th July *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 10th Jan., 172$\frac{6}{7}$, Read 18th Nov., 1729. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 1055. *ff.* 36, 36*v.*, 37*v.*]

Dec. 30. Fulham. **391.** Bishop of London to Mr. Delafaye. Encloses papers to be laid before the Duke of Newcastle relating to Mr. Justice Trot's claim to be continued in his station, after the Proprietors have transferred their title to H.M. *etc.* *Signed,* Edm. London. *Holograph.* 1 *p.* [*C.O.* 5, 387. *No.* 68.]

[1726]. **392.** Plan of Fort King George (*S. Carolina*), 1726 (*v.* April 26, 1727). 1 *large folded p.* [*C.O.* 5, 12. *f.* 61.]

[? 1726]. **393.** [? *Six of the Lords Proprietors of Carolina to ? Lord Carteret. v.* 23*rd March*]. During your Lordship's absence we have had many attacks upon our propertie in S. Carolina. Governor Nicholson returned (some time after your Lordship's departure) charged with many complaints from the inhabitants there and the merchants here, and he deputed a person to succeed him that had acted with even greater imprudence than himself; for he has farmed, or sold all his offices in the Province, and Mr. Hart formerly our Secretary hath taken upon him to treat for the sale of his office, and Mr. Hammerton who was to be the purchaser has applyed to the Crown for a grant of it against which we thought proper to enter a caveat. But this is not all we have had repeated accounts from Carolina that we were like to have no quit-rents and that our lands were entered upon, and our pitch and tarr and timber are used at pleasure, and that if some stop was not putt to it, we should have neither timber land nor quit rents. We were under the greatest concern for want of your Lordship's advice and assistance in this dilemma, however we applied to Mr. Ashley, and acquainted him that we thought it proper for us now to reassume the nominating of our own Governor since nothing else was left for us to preserve our quit-rents, and the rest of our properties, and Mr. Ashley's approbation accompanied every step we took. The first thing we did was to present a memorial to H.M. wherein we sett forth that we had appointed Col. Horsey and pray'd the Royal approbation, we apprehending that he was a person perfectly agreable to your Lordship, as we know he was to a great many other noble Lds. of the Councill, and we had reason to beleive that this matter would have mett with no opposition, but to our great surprise, one Mr. Yong, formerly our Surveior, and who intruded without consent into the Receiver General's place for which he has not yet accounted, took upon him in the name of the inhabitants as he pretended, who are all our tenants in arrear, to present a memorial setting forth that the Province would not only fall into the same commotions again in case the Proprietors were permitted to appoint a Governor, but also that many of the inhabitants would leave the Province, and therefore pray'd the Proprietors might not be allowed to appoint a Governor and desired to be heard by his Councill. This insolence moved us so much that we ordered Mr. Shelton to write to him that we designed to move the Councill to dismis his petition, unles he could produce his authority, and he in writing not only returned that he had Instructions to oppose our nominating a Governor, but to desire and sollicite H.M. to take also the soyle of the said Province unto himself: and upon attending the Councill, and reading Mr. Shelton's representation; and a motion being made in behalf of the merchants for the matter of their complaints to be heard, their Lordships were pleased to appoint a day for hearing both these matters together, but Mr. Nicholson obtained an order to enlarge the time, and when that came he obtained a further order to put of the hearing till your Lordship's arrival: and upon the hopes of your Lordship's coming so soon, we did not think it proper to make any farther application to the Lds. of the Committee. This my Ld. is a full state of all our proceedings, and we don't doubt but we shall have your Lordship's

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assistance and concurrence; since it is for the common interest, and advantage of the province as well as the Proprietors. And now we shall have your Ldship's. presence in town we are perswaded your Lordship will join with us in bringing this matter to a speedy conclusion, which has so long been suspended to the prejudice of yr. Ldshipp and my Ld., your Lordship's most obedient humble servants. *Enclose* copy of Mr. Yong's letter. *Without date or signature.* [*C.O.* 5, 290. *pp.* 178-180.]

[1726]. **394.** John Hammerton to Sir Robert Walpole. Begs him to intercede again with the Duke of Newcastle for the dispatch of his patent for the Secretaryship of Carolina *etc.* (*v.* Jan. 7th). "The voyage I took from Jamaica, to Carolina, (where I articled with the Secretary) and from thence hither has been very expensive" *etc. Signed,* John Hammerton. *Without date.* 2 *pp.* [*C.O.* 5, 383. *No.* 20.]

[1726]. **395.** *Same* to *Same.* The Duke of Newcastle has ordered my business to be done, but the warrant for the patent drawn by Mr. Delafaye is for "Secretary, Clerk of the Council, and Clerk of the inrollments: but the chief appendance belonging thereto is not inserted, viz. Register of the Records. All the Records of the Province, and the publick transactions of both Councill and Assembly, have always been registered and fill'd in the Secretary's Office (and it is a considerable perquisite)." *Begs him* to speak with the Duke on his behalf, "there being no sallery, and the whole income of that Office, with all the perquisites, does not exceed £300." *Signed,* John Hammerton. *Without date.* 1½ *pp.* [*C.O.* 5, 383. *No.* 21.]

[?1726]. **396.** *Same* to the Duke of Newcastle. Notwithstanding H.M. Order, your Graces and the rest of the Lords Justices' warrant for a patent for the Secretary's place of S. Carolina; the Proprietors' Secretary (Mr. Shelton) has put in a caveat in the Signett Office against the said patent passing the Seals, disputing H.M. Royal power in the government of that Province. *Prays for* an order for it to pass *etc.* (*v.* 7th Jan.). *Signed,* John Hammerton. *Without date.* 1 *p.* [*C.O.* 5, 383. *No.* 22.]

[1726]. **397.** Robert Johnson, late Governor of Carolina, to the King. Recounts his services and prays to be appointed provisional Governor of S. Carolina, in succession to General Nicholson, who has leave to return. 1 *large p. Enclosed,*

397. i. (*a*) Address of the Assembly of S. Carolina to Governor Johnson. Charles Town [1719]. It is the greatest satisfaction imaginable to us, to find throughout the whole country what universal affection difference and respect the inhabitants bear to your Honours person and with what passionate desire they

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wish for a continuance of your gentle and good administration. Entreat him to take upon him the Government in H.M. name. The well being and preservation of the Province depend largely upon his complying with their request *etc.* 25 *signatures.*

(*b*) Governor Johnson to the Assembly of S. Carolina. *Reply to preceding.* I hold my Commission from the true and absolute Lords and Proprietors with H.M. approbation and by that Commission I act *etc.* *Copy.* 1 *large p.* [*C.O.* 5, 383. *Nos.* 25, 25 i.]

[1726]. **398.** Robert Johnson to the Duke of Newcastle. Similar petition to preceding, and enclosure i (*a*), after General Nicholson's return. [*C.O.* 5, 383. *Nos.* 26, 26 i; *and* (*duplicate of enclosure*) 26 ii.]

[? Oct. 1726]. **399.** *Same* to the King. Similar petition and enclosure 397 i (*a*). General Nicholson has now been in England a year and a half *etc.* [*C.O.* 5, 383. *Nos.* 27, 27 i.]

[1726]. **400.** Anonymous account of the Duke of Portland's conduct in Jamaica. *Complains* of the cases of the *Chandos* and *Espérance*, and the Governor's provoking management of the Assembly, Mr. Bernard, and the Provost Marshal. He refused to accept Mr. Henderson's appointment by the Lords of the Admiralty as Judge Advocate of the Vice Admiralty Court, and protects the Marquis du Quesne, Capt. of the fortifications at Port Royal, whom the Assembly have proved a chief dealer in the prohibited French trade, and trade with the Dutch ships which come in under pretence of distress, *etc.* 16 *pp.* [*C.O.* 137, 52. *ff.* 208–215*v.*]

[1726]. **401.** Memorial by Alexander Stevenson to the Duke of Newcastle. *States the* proceedings of Governor the Duke of Portland in the case of the *Chandois* and *Espérance.* 2½ *pp.* [*C.O.* 137, 52. *ff.* 218–219.]

1726. **402.** An answer to some complaints against the Duke of Portland in a letter from Jamaica. Case of the *Chandois* and *Espérance* re-stated *etc.* *Without date, signature or endorsement.* 3½ *pp.* [*C.O.* 137, 52. *ff.* 290–291*v.*]

[1726]. **403.** Representation of Springett Penn and Hannah Penn, praying H.M. approbation of Major Patrick Gordon as Lt. Governor of Pensilvania and the three counties on Delaware *etc.* *v.* A. P. C. III. *No.* 94 *and* 1st March *supra.* *Signed,* Springett Penn, Hannah Penn. 1 *p.* [*C.O.* 5, 1234. *No.* 7.]

[? 1726]. **404.** Petition of John Vat, of London, Gentleman, to the King. In pursuance of patents granted by the Lords Proprietors of Carolina (*v.* July 9, 1725), some Swiss Gentlemen had engaged above 200 persons in or near Geneva. In Sept. above 100 went to Neuschatel, where they were to be joined by others for S. Carolina. Several other Swiss Gentlemen, who had promised to advance money for that undertaking (hearing, that the Lords Proprietors had refused to comply with their engagements, in relation to the charge of transportation, and had granted another patent to Stephen Godin and Jacob Satur, of London, in trust for Mr. Purry, in order to carry only 200 persons, at his own charge, from Switzerland to S. Carolina) declined likewise to perform what they had promised. So that Purry, and others concerned with him, for want of £100 sterling, were obliged to withdraw from Neuschatel, and leave the Swiss to shift for themselves. In November about 50, being encouraged by a Gentlewoman with two small children went to Basil, but for want of money, only 20 went thence to Holland, who were transported thence in a ship sent by the merchants who agreed with Mr. Purry to transport 200 of them, sailing from Dover Road on 6th Dec., and arrived at Charles Town after six weeks. As they can have no lands allotted them by virtue of the said patents, *prays* for H.M. royal consideration for their relief. *Signed,* John Vat. 1 *p.* *Without date.* [*C.O.* 5, 383. *No.* 31].

1726–1734. **405.** Virginia. Naval Officer's accounts of ships entered and cleared, 1726–1734. 1 large vol. [*C.O.* 5, 1443.]

1724–1726. **405*a*.** Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. [*C.O.* 116, 24, 25.]

April 21. **405*b*.** H.M. Instructions, relating to the Acts of Trade and Navigation, to Springett Penn and Hannah Penn, widow, Proprietors and Governors of Pennsylvania. [*C.O.* 5, 193. *pp.* 1-26, 30, 31.]

April 23. **405*c*.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 6 Acts of New Hampshire, 1723, 1724 (*v.* 1st Dec. 1725). *Signed,* Fran. Fane. *Endorsed,* Recd. 2nd June, 1726, Read 31st May, 1728. 1½ *pp.* [*C.O.* 5, 870. *ff.* 113, 113*v*, 114*v*.]

May 4. Newport on Rhode Island. **405*d*.** Address of Governor and Company of Rhode Island and Providence Plantations to the King. Congratulate H.M. upon his preservation from the danger he was exposed to by tempest in his passage from Holland in January, and thank the Almighty

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for " continuing so precious a life to sit on the Brittish throne to the unspeakable joy and comfort of all your loyal Protestant subjects, who thro' your princely wisdom and conduct have been preserved from Popery and Slavery " *etc.* *Signed*, Saml. Cranston, Governor. 1¼ *pp.* [*C.O.* 5, 1302. *ff.* 5, 5*v*.]

1726-1737. **406.** Treasurer's accounts, Barbados. [*C.O.* 33, 30.]

Colonial Papers.

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Jan. 3.
Whitehall.

407. Mr. Popple to Lt. Govr. Wentworth and Mr. Armstrong. *Encloses* opinion of Attorney and Solicitor General upon Crown rights to the woods. [*C.O.* 5, 915. *p.* 483.]

Jan. 5.
Virginia.

408. President Carter to the Duke of Newcastle. *Acknowledges* letter *etc.* of Sept. A sickly indisposition for most of the year has interfered with his attendance at the seat of Government, but he hopes nothing has been omitted within the duty of his place *etc.* *Signed,* Robert Carter. *Endorsed,* Rd. Feb. 25th. 1 *p.* [*C.O.* 5, 1337. *No.* 32.]

Jan. 7.

409. Mr. Fane to the Council of Trade and Plantations. *In reply to* 14 Dec. 1726, *describes* provisions of Act of New York to *vest in Thomas Hicks in fee simple certain lands* etc. *Continues* :—It is merely intended to cut off the entail created by the will of Daniel Whitehead. This is the method constantly made use of to barr entails in this Colony, and they have no other way of doing it, for it cannot be supposed that fines and recoveries of lands in the Plantations levied and suffered here could have any effect there *etc.* *Reccommends* the confirming of the Act. *Signed,* Fran. Fane. *Endorsed,* Recd. 10th, Read 11th Jan., $172\frac{6}{7}$. $2\frac{1}{2}$ *pp.* [*C.O.* 5, 1054. *ff.* 71–72*v.*]

Jan. 10.

410. Mr. Fane to the Council of Trade and Plantations. Has no objection to the Act of Virginia *to confirm the title of Richard Randolph to certain lands,* it being garded with the utmost care and all parties interested having consented to it. *Signed,* Fran. Fane. *Endorsed,* Recd., Read 11th Jan., $172\frac{6}{7}$. $2\frac{3}{4}$ *pp.* [*C.O.* 5, 1320. *ff.* 103–104*v.*]

Jan. 10.
Whitehall.

411. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Midsummer to Christmas, 1726. There was then six months salary due to the Secretary and other Officers *etc.* *Accounts, certified, annexed.* [*C.O.* 389, 37. *pp.* 268–271.]

Jan. 11.
Whitehall.

412. Council of Trade and Plantations to the Duke of Newcastle. It has always been esteem'd a matter of great consequence to the British intrest in America, to preserve the alliance and dependance of the five Indian Nations bordering upon New York, and to prevent their affections from being alienated from us by the French, who have made frequent attempts for that purpose, and have lately prevailed upon some of them by surprize, to allow the French to build a fort at Niagara, which if not speedily removed will be very detrimental to the five Nations, and consequently to us. *Enclose extracts* of Governor Burnet's letter, 4th Dec., 1726, and Conference with the Indians *etc.* *Continue:*—Your Grace will perceive by *them*, that the Indians think themselves unjustly treated upon this occasion, and expect redress therein from H.M. interposition in their behalf. In our humble opinion it is highly necessary for H.M. service, that these Indians should be convinced, that they may expect to be protected by Great Britain so long as they continue firm in their attachment to us, and it may be necessary to acquaint your Grace, that the French have, in this proceeding, acted contrary to the 15th Article of the Treaty of Utrecht. Wherefore we must intreat your Grace to obtain H.M. orders for his Minister at the French Court, to make application for redress, which cannot be effectual, unless the said fort be demolished. *Autograph signatures.* 2 *pp.* *Enclosed,*

412. i. Extract from letter from Governor Burnet to the Council of Trade. C. S. P. 4th Dec., 1726.

412. ii. Copies of *No.* 362, iii, iv.

412. iv. Extract from Conference with Six Nations, *No.* 362, i.

412. v. Copy of Indians' deed of surrender, *No.* 362, ii.

412. vi. Map of the Country of the Five Nations *etc.*, " Taken from the map of Louisiane done by Mr. De Lisle in 1718." [*C.O.* 5, 1085. *Nos.* 59, 59. i–vi; *and* (*without enclosures*) 5, 1124. *pp.* 399–401.]

Jan. 12. **413.** Mr. Leheup to Mr. Popple. Presses for representation in favour of Mr. Hicks' act, on Mr. Fane's report *etc.* (*v.* 7th Jan.). *Signed,* Peter Leheup. *Endorsed,* Recd., Read 12th Jan., 172$\frac{6}{7}$. *Addressed.* $\frac{1}{2}$ *p.* [*C.O.* 5, 1054. *ff.* 73, 74*v.*]

Jan. 13. Whitehall. **414.** Duke of Newcastle to Deputy Governor Gordon. *Encloses* following and desires he will endeavour to procure the boy's liberty, " which I suppose will not be very difficult upon the repayment of the money, which he was sold for." *Acknowledges* letter of 22nd Oct. and thanks him for what he has done concerning the children of Col. Bonar. *Signed,* Holles Newcastle. *Annexed,*

414. i. Petition of Edward Busby of Symond's Inn in Chancery Lane, Victualler. His son George, 14, was taken away a year ago by Capt. Sparkes of Bristol

to Philadelphia and there sold for 7 years to David Evans for 16 pounds paper money. *Prays* for order for his return, petitioner being willing to pay the £16 *etc. Signed,* Edward Busby. [*C.O.* 324, 35. *pp.* 296, 297.]

Jan. 14. Virginia. **415.** President Carter to the Council of Trade and Plantations. *Acknowledges* letter to Governor Drysdale of 30th June *and hopes* to transmit returns of negroes imported *etc.* by next conveyance. *Has sent* Minutes of Council up to 14th Dec. *Refers to account of* 2*s. pr. hhd. Continues* :—From the large demand of rights for taking up new lands, as well as the crop of tobacco now ready to be ship'd, and which 'tis believed will near equal that of the preceding year, there is reason to expect a good addition to that revenue. Herewith your Lordsps. will also receive the Naval Officer's accots. of the imports and exports from Lady Day to Christmas, whereby your Lordps. will have a view of the trade of this Colony for that time. The General Assembly which was under prorogation at the death of the late Governor, has been since further prorogued to 15th Feb., and since the publick affairs do not require any convening it; I intend at next Council a further prorogation, that whosoever H.M. is pleased to appoint Governor here may find an Assembly subsisting at his arrival, *etc.* Colo. Ludwell, who for many years worthily served as a Member of H.M. Council dyed on the 10th of this month. P.S. I send this by the *Exchange* of Biddiford, being unwilling to delay it till an opportunity offers for London *etc. Signed,* Robert Carter. *Endorsed,* Recd. 3rd, Read 28th April, 1727. 4 *pp. Enclosed,*

415. i. Account of H.M. Revenue of 2*s.* per hhd. 25th April —25th Oct., 1726. *Totals:* Receipts (including balance of £2922 3*s.* 10*d.*) £6475 7*s.* 10*d.* Expenditure, £1935 2*s.* 6*d. Signed and sworn to in Council,* John Grymes Recr. Genll. *Audited by,* Nathl. Harrison, Depty. Audr. *Endorsed,* Recd. 3rd April, 1727. 2 *pp.* [*C.O.* 5, 1320. *ff.* 129, 130–131*v.*, 132*v.*–133*v.*, 134*v.*]

Jan. 18. **416.** List of Negroes imported into S. Carolina, 30th May, 1721,—29th Sept., 1726. *Total,* 3632, of which 1751 were imported Sept. 29, 1725—1726. Port of Charles Town. Sworn to in Council by, Wm. Hammerton, Naval Officer. ¾ *p.* [*C.O.* 5, 387. *No.* 69.]

[Jan. 20.] **417.** Traders in tobacco to the Council of Trade and Plantations. *Criticise* Mr. Nicholl's proposals, which are impracticable and the outcome of ignorance. His proposal to lessen the duty on tobacco by ½*d.* pr. lb. to the importer

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upon destroying the stalks, will not increase the revenue, but will amount to increasing the duty by 1*d.* pr. lb. It will not encourage either planters or shippers *etc.* 49 *signatures. Endorsed,* Recd., Read 20th Jan., 172$\frac{6}{7}$. $5\frac{3}{4}$ *pp.* [*C.O.* 5, 1320. *ff.* 105–107*v.*, 108*v.*]

Jan. 20. Whitehall. **418.** Council of Trade and Plantations to the Duke of Newcastle. Enclose extract of Governor Phenney's letter received since their representation of 10th Nov., showing what great want he is in of stores of war, and what the Spaniards are now doing at the Havana. *Autograph signatures.* 1 *p. Enclosed,*

418. i. Extract from Governor Phenney's letter, 10th Nov., 1726. $1\frac{1}{4}$ *pp.* [*C.O.* 23, 12. *No.* 88; *and* (*without enclosure*) 24, i. *p.* 94.]

Jan. 22. Virginia. **419.** John Carter to Duke of Newcastle. *Expresses* gratification of those who advised the suspension of Mr. Jenings, that H.M. has shown approval by confirming Col. Carter in the Government *etc.* *Continues*:—I now humbly lay before your Grace a state of my office of Secretary of Virginia, which I have drawn up with all the truth and exactness I could furnish myself with, from the records of the country and the Council Journals. And if anything do's not appear in the clear light it ought to do, it is because the original instruments cannot be found, but must be supposed to have been lost many years ago in the fire at James Town. The small value of my place, by reason of the low price of tobacco our staple commodity at this time will make it the more excusable in me to endeavour to obtain all the privileges and perquisites of it, which have been enjoyed by former Secretaries *etc.* *Only desires* the profits "that have always gone along with the office, except where the Secretary, either holding the place by the Governor's appointment or recommendation, has thought fit to compliment him with what of right belonged to himself" *etc.* *Has desired* Mr. Leheup to intercede with his Grace for a favourable recommendation to H.M. *etc.* *As to the* power of appointing the County Court Clerks, which is the most considerable privilege belonging to his office, he has never sold any of these places, but has filled vacancies with great care with the best qualified persons, taking every year from each a small inconsiderable sum, the same to a penny which has always been paid by them to the Secretary. *Continues*:—I cannot learn on what account it was that the Secretaries at first claimed this from the Clerks, but as I found it an ancient perquisite in the office, I hope I am justified in receiving it. The fees for the Seal, by all that I can learn, were always paid to the Secretary till Governour Spotswood took them from Dr. Cocke then Secretary and gave them to him again as Physician to his family. At his death

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they were given to Dr. Brown, and upon Mr. Drysdale's arrival to Dr. Blair, *etc.* *Signed*, John Carter. *Endorsed*, Rd. July 20th. 4 *pp.* *Enclosed*,

419. i. Case of the Secretary of Virginia. A County Court is established by law in every County. Of late some inhabitants upon the frontiers have complained of the great length of their counties, in regard to their being situated remote from the place where their County Court is held *etc.*, and application being made to the last General Assembly, for a division of the counties, Mr. Drysdale, supposing the Assembly would gratifie those people, was pleased to promise the office of County Clerk of those intended new counties to some of his friends. Nothing more was done, but the Secretary thinks it incumbent on him to shew the grounds upon which the Secretary of the Colony has ever claimed the appointment of that officer *etc.* *Argues that*, as keeper of all the Records, the Secretary must naturally appoint the Clerk of the Court in whose actual possession they would be. *Examines* two instances to the contrary, 1701, 1721, *etc.* The Great Seal has always remained in the custody of the Secretary, since in his office all patents and Commissions of the Peace and Oyer and Terminer are prepared and sealed. "For sealing them, neither Governor nor Secretary hath ever been allowed to take any fee ; because the people might not be thereby discouraged from suing out patents for the King's lands, and that Justice might be administered as cheap as possible. Yet it being very usual for the Secretary by the Governor's orders to make out exemplifications of patents, deeds, *etc.* and to affix the seal to the same, it hath been alwaies customary for him to take a fee of 20*s.* for the same, until Col. Spotswood claimed that fee as his right, but gave it to Dr. Cocke then Secretary as he was Physician to his family." *Prays that* this fee may be restored, and that a seal may be granted to his office, for want of which the Great seal is upon many occasions improperly used *etc.* 10 *pp.* [*C.O.* 5, 1337. *Nos.* 33, 33. i.].

Jan. 23. St. James's. **420.** H.M. Commission to William Gooch to be Lt. Governor of Virginia, "in case of the death or absence of George Earle of Orkney, *etc.*" *Countersigned*, Holles Newcastle. *Copy.* [5, 1365. *pp.* 308, 309 ; *and* 324, 35. *pp.* 310–312 ; *and* 324, 49. *f.* 38.]

Jan.24-26. **421.** Minutes of Council and Assembly, S. Carolina, containing the Conference held with Chigilee and the Headmen of the Lower Creeks and with Long Warrior of the Cherokees relating to a peace then made between them. Council Chambers, Charles Town. 20 *pp.* [*C.O.* 5, 387. *No.* 70.]

Jan. 26. Jamaica. **422.** President Ayscough to the Council of Trade and Plantations. *Refers to* letter of 14th Nov., "a duplicate whereof went 17th Dec." *etc.* *Continues* :—I am now to lay before your Ldships. a full account of the late transactions of the Council and Assembly; those of the latter will, upon a thorough view, appear the most absurd and ridiculous, as well as disrespectfull to H.M. and His authority, that perhaps have ever happened in this country; for which reasons I dissolved them with the advice of the Council and writts are now issued for calling a new Assembly to convene the 1st of March. *Refers to* Speech of 18th Oct. (*v.* 1st Nov.); and the pressing manner in which he laid before them H.M. recommendations *etc.* *Continues* :—All the regard or return to it was their vouchsafing to enter H.M. sign manual in their Minutes; but ordered the draught which the King had expressly recommended to lie upon their table, and to appoint that day sen'night for taking the Speech into consideration. From the 18th to the 22nd their time was taken up with disputes about swearing some of their Members, they insisting upon it as their inherent right to have their Members sworn in their own House, which occasioned my sending them a copy of part of H.M. Instructions whereby it appears that I might either commission fit persons for that purpose or have them sworn before me in person; and therefore I told them, to avoid disputes, I was ready to swear them. The 22nd of October the dreadful hurricane happened, so that the House only met and adjourned from day to day till the 28th, when they sent me a long message with reasons for their still insisting on having their Members sworn in their own House; but upon examining into precedents I found many more instances against such a pretended right than those they mentioned which made for them; however I thought it hardly worth while to obstruct the publick affairs, they having come to a resolution to proceed to no business till such time their Members were sworn in the House; therefore I waived the dispute and granted a dedimus, and pursuant thereto two of the Council went down to the Assembly and administred the oaths to four of their Members, and then the House put off the consideration of my Speech to the 1st of November, and from thence to the 2nd, then to the 3d.; so the Council finding the House did but trifle with, and evade, H.M. recommendations, they advised me to send to them a message to remind them thereof; this Message being written with some warmth and zeal the House laid hold of it and made it a handle for their not proceeding to business till they had received satisfaction for the high indignity and breach of priviledge offered to their House which they conceived tended to the entire subversion of their Constitution ; and then they sent me up a long and indecent message demanding redress and satisfaction, and at the same time came to a resolution to proceed to no other business till they had received satisfaction and reparation for the high indignity and breach of priviledge offered by the said message and the infringement of their liberties ; I endeavoured all I could to moderate matters, and sent them a message which I thought would have pleased them ; but on the contrary they voted it not satisfactory and came to a resolution that whosoever prepared and proposed the said message in Council was an enemy to the very being of Assemblys to his country etc. ; and then they reduced their quorum to five Members to meet and adjourn, and the rest of them dispersed themselves to their several aboads : This made me on the 18th advise with the Council whether to prorogue them or to keep them sitting ; and they advised me to keep them together. But the House would proceed to no business only five Members met and adjourned from day to day till the 7th of December, then the Council advised me to prorogue them to the 2nd day of January instant, and accordingly they were prorogued by Proclamation *etc.* Their proceedings from the 2nd of January to the 17th, on which day they were dissolved, will appear to your Lordships more absurd than the former : I could not possibly get a quorum of the Council together before the 10th of January, which put me under a necessity of desiring the Speaker to adjourn the House to the 4th, this was complyed with, and on the 6th I sent them another message setting forth the want of a quorum of the Council, and therefore desired them to adjourn to the 10th, but in place of complying therewith they voted to continue sitting and to proceed to business, tho' but a very thin House : This breach of their duty obliged me to assert H.M. Prerogative and to prorogue them to the 10th, and having then got a sufficient number of the Council together I laid before them the fresh instances of H.M. great goodness, as your Lordships will please more particularly to observe by the Speech I made to them (inclosed) ; but I was soon astonished at their proceedings, for the moment after I had spoke to them they returned to their House and immediately, without the least consideration of H.M. recommendations, in a violent and disrespectful manner rejected the draught with disdain and ordered a bill to be brought in for reviving and continuing their laws, and voted only six months subsistence to the soldiers in a separate bill, and, having spent some days about their Perpetuity Bill, they voted (tho' not inserted in their Minutes) to give the King in this new bill no more than the old Revenue mentioned in the late 21 years laws, and then they passed the usual Additional Duty Bill entituled, an Act *for raising several summs of money* *and applying the same to several uses*; which they sent up to the Council on the 14th, and the Council having passed the same in their legislative capacity I desired their opinion and advice, as the King's Council, whether they thought it consistent with my duty to H.M. to give my assent to it since the Assembly had rejected the draught of the Perpetual Bill so strongly recommended by H.M. and of so great consequence to the country; and they advised me to pass the said bill and were entirely of opinion that I should, after I had given my assent to it, dissolve the Assembly and forthwith issue new writts for calling another, which was accordingly done, but I really cannot flatter your Lordships so far as to say that I expect better success from the ensuing Assembly; they seem to be obstinate and headstrong against providing for the soldiers in any Perpetuity Bill nor will they (if they continue in their present circumstances) receive any draught that comes from home, tho' recommended to them in the most powerful manner by H.M. I have taken the first opportunity that has offered since the dissolution to give your Lordships a faithful account of their unaccountable proceedings, that H.M. may be informed of their undutiful behaviour in slighting so much goodness and condescension offered and recommended to them. It is not proper for me, nor shall I presume, to point out what measures may be proper to be taken to bring these people to a due sense of their duty and obedience to their King; your Ldships may observe from long experience that H.M. gracious offers, His lenity and condescensions have been but thrown away upon them, which makes the most considerate men here so far from thinking the two Independent Companies a burthen to the country that they rather think a Regiment necessary for the security of the King's Government and the country against both their foreign and intestine enemies; and, should the Assembly refuse to allow them an additional subsistence in the manner former Regiments have had, that then H.M. Governor might be empowered to take such other measures for their subsistence as H.M. shall think most proper: I shall say no more of Assemblys only that it is indispensibly necessary that some speedy remedy be applied to make H.M. Government here less independent upon them otherwise a Governour cannot subsist unless he parts with his Instructions and gives up the Prerogative to the unsatiable will of an obstinate people. We have not heard from Admiral Hosier since he sailed from hence the 26th of the last month: It is not improbable but some unquiet spirits here, who endeavour on all occasions to distress the Government, may use undue means to stir up some of the merchants at home to make a clamour against the measures the Council and I fell upon to assist Admiral Hosier with seamen, without which it had been impossible for the Admiral to have gone to sea: I sent in my last letter a copy of our proceedings thereupon to the Secretary of State and hope the same will have met with H.M. approbation *etc.* *Signed*, J. Ayscough. *References to Minutes of Council and Assembly are given in the margin, in confirmation of above narrative. No enclosures. Endorsed*, Recd. 10th, Read 11th April, 1727. 6¾ *pp.* [*C.O.* 137, 16. *ff.* 349–352*v.*]

Jan. 26. St. James's. **423.** President Ayscough to the Duke of Newcastle. Describes his dealings with the Assembly, repeating part of preceding covering letter *etc.* *Signed*, J. Ayscough. *Endorsed*, R. 10th April. 4 *pp.* *Enclosed*,

423. i. President Ayscough's Speech to the Council and Assembly. *Urges* unanimity and dispatch in considering draught of Revenue Bill *etc.*, and communicates the Duke of Newcastle's letter upon it, *etc.*

423. ii. Duplicate of Dec. 16 dated Dec. 17, and endorsed, R. April 10. *Copy.* 3½ *pp.* [*C.O.* 137, 52. *ff.* 314–319*v.*]

Jan. 30. Boston. **424.** Anon. to Lord Townshend. *Represent* the "deplorable state of new England since the late dishonourable peace concluded by Lt. Govr. Dummer. We have had lately several captives taken by the Indians and those who took them captive being apprehended and imprison'd with visible marks of guilt have been set at liberty to our great amazement. The King's prerogative and liberty of the subject have been invaded by our last general Court, in their expelling Judge Minzies the house for his writeing to the Lords of Admiralty that he has been frequently served with prohibitions by the provincial judges here, and could not get 12 honest men that would do the King justice in this place, and the liberty of the subject has been violated by the General Court's denying a very considerable body of people lately come from Ireland, liberty to erect townships in our frontiers onely because they were not Congregationalists tho' good protestants, and loyal subjects of King George. Episcopal Ministers have been mobbed here and bonefires made near their houses, mock'd and insulted and forc'd to keep within doors. Mr. McGregore, the only Presbyterian minister here, a man of bright natural parts and extraordinary learning has been anathematiz'd. Press warrants have been deny'd to the Captain of H.M. ship when his men had deserted him, and strick orders given by our Lieut. Govr. to our vessels to pay no regard to our sd. ship, and the Captn. threatned to be shot if he offer'd to press any of their Congregationalists. And all this is done under a pretext of law and priviledges of their Charter, which if effectually broken would make all easy, and till then, or that Govr. Shute come over to us, or some other that will assert the King's prerogative, we utterly despair of peace with the

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Indians, or peace with ourselves, much more of seeing this a flourishing country. Begging your favourable regards to our grievances, your pardoning this trouble and concealing our names for fear of being anathematiz'd by our Congregationalists and arbitrary assembly *etc. Signed,* A.T., B.A., C.Y., J.M., T.S., F.A. *Addressed. Postmark. Seal.* 1 *p.* [*C.O.* 5, 752. *No.* 34.]

Jan. 31. Whitehall. **425.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report thereupon. *Signed,* Holles Newcastle. *Endorsed,* Recd. 14th, Read 22nd Feb., $172\frac{6}{7}$. 1 *p. Enclosed,*

425. i. Minutes of Assembly of St. Christophers, 19th Feb., 1725(6), upon Lt. Governor William Mathew's refusing to account to the House for money entrusted to him by the Act to *build a fortification on Brimstone Hill etc. Copy.* 1 *p.*

425. ii. Address of the Assembly of Saint Christopher's to the King. Notwithstanding Governor Hart's repeated orders to Lt. General Mathew to account for the £4,150 paid into his hands *as above etc.*, we could only obtain a bare account without any vouchers. He refused to meet a Committee of the House to explain said account, and by a letter to the Governor has represented us as wanting in our duty to your Majesty in requiring an account from him. Your Majesty's subjects in St. Christophers have always been remarkable for their zeal for your Majesty's service their affection for your person and Government and their duty and submission to your royall authority in the persons of your Governours *etc. Praise* the mild and just administration of Governor Hart *etc.* We have given directions for laying a fuller state of this matter before your Majesty herewith *etc.. Pray for* H.M. order for their redress and preventing the like attempts for the future. 6th March, $172\frac{5}{6}$. *Signed,* John Griffes, Clk. Assembly. *Endorsed,* Recd. 14th Feb., $172\frac{5}{6}$. 1 *large p.* [*C.O.* 152, 15. *ff.* 304, 305*v.*, 306, 307, 307*v.*]

Feb. 2. St. James's. **426.** Governor Shute to the Council of Trade and Plantations. The great quantity of paper bills of credit which are now circulating in the Province of Massachusetts Bay are very detrimental to the trading merchants there, and also to the merchants in Great Britain *etc.* There is now one hundred thousand pounds in those bills, circulating in that Province, which according to the Act of Assembly made in 1716, were to circulate no longer than ten years, which determins in May, 1727. And having lately receiv'd information from thence,

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that if I should not receive H.M. commands, and arrive soon enough to prevent it, it's fear'd that under some pretence or other the calling in of those bills will be postpon'd. It's therefore humbly submitted to your Lordps., whither a possitive order should not be immediately sent to the Lieut. Governour of that Province, so as those bills may be called in according to the tenour of the said Act. *Signed,* Samuel Shute. *Endorsed,* Recd., Read 2nd Feb., 172$\frac{6}{7}$. 1 *p.* [*C.O.* 5, 860. *ff.* 361, 362*v.*]

Feb. 8. St. James's. **427.** Order of King in Council. Approving appointment of Lt. Governor Calvert, provided he give security and qualify himself as the law requires *etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd. 10th, Read 14th Feb., 172$\frac{6}{7}$. 1½ *pp.* [*C.O.* 5, 1266. *ff.* 223, 223*v.*, 224*v.*]

Feb. 8. St. James's. **428.** Order of King in Council. Approving report (*quoted*) of Committee of Council, based on reports of the Board of Trade, upon the boundary between Connecticut and Rhode Island and fixing the line by the green line in the annexed map, as determined in 1703 by the Commissioners of the two Colonies, *etc.* *Set out,* A. P. C. III. *pp.* 11–16 (where the date of the agreement to the report on p. 11 should be Aug. 2, 1726, *not* 1728, and on p. 16, line 17, the word *opinion* should be inserted after *of.* *Printed also* in R. I. Hist. Soc. Coll. III. 206, under date 1726). *The Map referred to* is reproduced in A. P. C. III. *Appendix* V. (*cf.* *C.O.* 5, 1293. *p.* 296*a.*) *Signed,* Temple Stanyan. *Endorsed,* Recd. 3rd, Read 4th May, 1727. 9 *pp.* [*C.O.* 5, 1266. *ff.* 253–257*v.*]

Feb. 8. St. James's. **429.** Order of King in Council. Approving draught of Additional Instruction relating to appeals *etc.* *v.* A. P. C. III. *No.* 100. *Signed and endorsed as preceding.* 1¼ *pp.* [*C.O.* 323, 8. *No.* 70; *and* 5, 193. *p.* 33.]

Feb. 8. St. James's. **430.** Order of King in Council. Approving representation of Nov. 24th last, and appointing Capt. John Butterfield and Capt. Francis Jones to the Council of Bermuda *etc.* *Signed and endorsed as preceding.* 1¼ *pp.* [*C.O.* 37, 11. *ff.* 265, 265*v.*, 266*v.*]

Feb 8. Whitehall. **431.** Mr. Popple to Lt. Gov. Dummer. There being an Act passed in the Massachusets Bay in 1716, *for making and remitting the sum of* £100,000 *in bills of credit,* and my Lords Commissioners not thinking it for the good of the Province or the merchants trading there, that these bills of credit should be any longer continued, they expect you will take the necessary care that the bills of £100,000 now circulating in your Government by vertue of the aforesaid Act, may be all called in and destroy'd in May next, as that Act does then expire; and that for the future you do not pass any Act for creating a paper currency, without H.M. express leave for that purpose. [*C.O.* 5, 915. *pp.* 482, 483.]

Feb. 9. Westminster. **432.** H.M. Commission to the Bishop of London to exercise ecclesiastical jurisdiction in the Plantations *etc. v.* March 27. *Countersigned,* Bisse and Bray. *Copy. Latin.* 7 *pp.* [*C.O.* 324, 49. *ff.* 39–45.]

Feb. 10. Jamaica. **433.** President Ayscough to the Duke of Newcastle. Admiral Hosier with the squadron under his command are arrived from Cartagena the 8th instant, and acquaints me that he has positive orders from H.M., so soon as he can be victualed and manned, to put to sea again ; and in order to enable him thereto he has made another demand to be supplied with seamen. I have summoned the Council on this important affair, and shall do everything in my power to give the Admiral all the assistance possible. But my duty obliges me to represent that the Admiral and his Officers have already impressed about 1000 seamen from the Trade of the Island, so that it is likely to prove a great detriment to our Navigation, especially if the impress be continued : I have thought it proper to acquaint your Grace therewith that, in case H.M. should think fit to continue the Squadron in these parts, proper measures may be fallen upon at home to have them supplied with seamen ; for this country I am afraid will not be able to do it any longer. *Signed,* J. Ayscough. *Endorsed,* Rd. 17th April. 1½ *pp.* [*C.O.* 137, 46. *No.* 50 ; *and* (*endorsed,* R. 7th July,) 137, 52. *ff.* 320, 320*v.*, 321*v.*]

Feb. 13. Whitehall. **434.** Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint William Gooch Esq. to be Lt. Governor of Virginia *etc.*, I must desire your Lordps. will prepare a draught of such Instructions as may be proper for him ; or if you think it will be sufficient that he should take with him copys from the books in my office, of the Commission and Instructions which were given to the Earl of Orkney as Governor of that Colony, which seems more agreable to the tenour of his Commission, you will please to give me your opinion in what manner those copys should be made so authentick as to justify his putting in execution the directions therein contained. *Signed,* Holles Newcastle. *Endorsed,* Recd. 14th, Read 15th Feb., 172$\frac{6}{7}$. 1 *p.* [*C.O.* 5, 1320. *ff.* 109, 110*v.*]

Feb. 14. Whitehall. **435.** Duke of Newcastle to the Council of Trade and Plantations. Commission and Instructions are to be prepared for Robert Hunter, appointed Governor of Jamaica *etc. Signed,* Holles Newcastle. *Endorsed,* Recd. 14th Feb., Read 3rd March, 172$\frac{6}{7}$. 1 *p.* [*C.O.* 137, 16. *ff.* 337–338*v.*]

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436. Mr. Popple to Mr. Fane. I send you here inclosed the draught of a bond, as prepared by Sir E. Northey, Attorney General, in 1702, to be enter'd into by Deputy Governors of Proprietary Plantations, for observing the Acts of Trade and Navigation, and the Instructions which were or should be given them from the Crown; But an objection being made att H.M. Remembrancer's Office, to the like draught which was transmited to the Treasury the 25th March last for Depty. Govr. Gordon, that instead of the word *successoribus*, in the said drat., the Act of 33 Hen. VIII. ch. 39 directs the word *executoribus* to be used in all obligations concerning the King's Majesty. My Lords Commrs. desire your opinion there-upon as soon as possibly may be. [*C.O.* 5, 1293. *p.* 405.]

Feb. 15.
St. James's.

437. H.M. Commission appointing Robert Hunter Captain of an Independent Company at Jamaica. *Countersigned,* Holles Newcastle. [*C.O.* 324, 35. *p.* 331.]

Feb. 15.
Jamaica.

438. President Ayscough to the Duke of Newcastle. *Refers to* letter of 10th Feb. *and enclosure. Continues*:—I heartily wish my power were equal to my inclinations to serve H.M. in the Admiral's demands, and I am satisfied he will do me the justice in acquainting your Grace that I have done everything in my power consistent with the duty of my station for this important service; but as I told your Grace, there are a sett of men here who endeavour to frustrate, and raise groundless clamours against, all measures taken for the King's service in manning the Admiral's Squadron, pretending that no power can warrant it. I have used my authority hitherto with all the lenity and tenderness imaginable and have taken all possible care that the men already impressed have been only seamen and not inhabitants, but even for this I am threatned with complaints and representations from the Assembly and merchants, but as nothing has been done but what tends to H.M. immediate service I trust in his goodness in putting a favourable construction upon the measures I have hitherto taken for that end. Most of the elections for our new Assembly which is to meet the 1st of March, are over, and I find them pretty much of the same stamp with the former so that little good is to be expected from them: The Government here is in a most distressed condition; We are without laws, the Revenue anticipated, the fortification fund exhausted, the subsistence for the soldiers expires tomorrow, and not a farthing of money in the Treasury but greatly in debt: My sallary is only £1250 p. annum, the perquisits are not worth mentioning; so that from the scarcity and dearness of living to what it was formerly in this country, the King's Representative is reduced to many inconveniencies; I can with truth assure your Grace that I am obliged out of my own private fortune to lend a

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considerable assistance to support the character I have the honour to bear: I should not have presumed to mention this to your Grace were I not confident in H.M. great goodness that he does not desire his faithful servants to be sufferers in his service; Had I parted with his Instructions or given way to the unreasonable desires of the Assembly, perhaps they might have rewarded me as they did my predecessor; But there is nothing in their power shall ever sway with me to part from H.M. just commands; there is a late instance that Mr. Heywood, who was President of the Council and succeeded My Lord Hamilton in the Government, had allowed him the full sallary of £2500 p. annum: 'Tis true he had the title of Captn. General, but his powers were restrained and limited rather more than mine, and I am fully persuaded his services to the Crown did not merit more favour than mine have done *etc.* *Prays for* his Grace's favour, if Mr. Mellmoth, his Agent, presents a memorial in this sense, *etc.* *Signed*, J. Ayscough. *Endorsed*, R. 17th April. 3 *pp.* *Enclosed*,

438. i. Minute of Council of Jamaica, 11th Feb., 1727. Upon consideration of Admiral Hosier's letter, the Board declare that they have done everything in their power, and are ready to do more, if he will point out what is feasible; but they cannot dispeople the country by sending inhabitants to man H.M. ships. Upon a former representation of the ill effects that might attend impressing men out of vessels coming from the Northern Colonies he had assured them it should not be continued; but during his absence, it had been practised upon all vessels except those coming from New York, which may lead to a dearth of provisions, should people trading from those parts be thus discouraged *etc.* *Copy.* 1¼ *pp.* [*C.O.* 137, 52. *ff.* 322–324*v*.]

Feb. 15.
Whitehall.

439. Mr. Popple to Mr. Fane. *Encloses* copy of Lt. Governor Gooch's Commission (23rd Jan.). *Continues*:—You will observe that he is authoriz'd and required to execute all the powers and authorities contain'd in the King's Commission and Instructions to the Governor, Lord Orkney. I am therefore to desire your opinion whether copies of the Lord Orkney's Instructions may be made so authentick, as to justifie his putting in execution the directions therein contain'd, and if it may be done, in what manner. [*C.O.* 5, 1365. *pp.* 309, 310.]

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Whitehall.

440. Order of Committee of Privy Council. Upon report of Nov. 10th last, direct the Council of Trade and Plantations to prepare a scheme for establishing a form of Civil Government in Nova Scotia, and at the same time to propose, what encouragement they may think proper for the better peopling of that Province, and for the preservation of the woods, which are so necessary for the service of the Royal Navy, with what else they shall think proper to offer *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 21st Feb., Read 26th April, 172$\frac{6}{7}$. $1\frac{1}{4}$ *pp.* [*C.O.* 217, 4. *ff.* 324–325*v.*]

Feb. 15. St. Christophers. **441.** Governor Hart to the Council of Trade and Plantations. *Encloses* duplicate of 30th Nov. *Continues:*—But I have not been able, from the distance of these Islands, to obtain duplicates of the papers mention'd therein. I have wrote several letters to Mr. Dunbar, Surveyor General of H.M. Customs, to transmit me a list of all the negroes imported from Dec. 1721 *etc.*, but as yet I have receiv'd only the lists from Antegoa and St. Christophers, *enclosed.* Those of Nevis and Montserrat I expect every day to receive *etc.* Your Lordships may please to observe that tho' 5600 negroes are a prodigious number to be imported into so small an Island as this of Saint Christophers in five years past: yet from 1721 to 1723 there has been at least 1,000 negroes more imported from St. Eustatia, *etc.* But as the negroes so imported from the Dutch pays no custom here; and as the purchasers used to bring them in at their pleasure, there can be no certain computation made of the number; it not being enter'd in the Collector of the Customs book. But there is now a full stop put to that trade from this Island with the Dutch at St. Eustatia. For St. Christophers has been fully supply'd with negroes, by the British traders, from Affrica for three years past at a cheaper rate than they can buy them from the Dutch; and indeed this small Island is now so well stockt with negroes, that it will want very few more to cultivate the land. What negroes are now imported by the Dutch West India Company to St. Eustatia, are sold to the French at Martinique and Guardeloupe, who send their sloops to that Island loaden with sugars to purchase them, and which from thence is transported to Holland in the Company's ships. But our British traders to Affrica have found a way to rival the Dutch in this article of the negroe trade with the French Islands mention'd. For as the Island of St. Lucia (since the attempt of the Duke of Montague to settle it) is look'd upon as a nuteral place; the British ships go into a harbour there called the Petit Carnage, where they sell their slaves for money or sugar: This place having the advantage of St. Eustatia, being within a few hours sail of Martinique. If they sell for money they generally resort to these Islands to purchase sugars for Great Britain: But if they dispose for sugars, then they carry them for Ireland directly. It is humbly submitted to your Lordships superiour judgment, whether this be not very detrimental to H.M. Revenue; and whether it is not very prejudicial to the fair traders of Great Britain who conform to the Acts of Trade, especially those of Bristoll and Liverpool, great part of their sugar and rum being sent to Ireland where they are outsold by those who trade clandestinely from St. Lucia. Being oblig'd to enter their ships in Great Britain makes a great difference both in the hazard of the voyage, and in the charge of their ships. *Encloses* his Speech of 17th Dec. 1726 to the Council and Assembly of St. Christophers with their Addresses thereupon by this ship, being the first that sail'd for London since that time. *Continues*:—Your Lordships may please to observe in them a short state of the Island, and the happy disposition of the inhabitants: and as I explained myself fully to them in what I deliver'd, they have answered me clearly and particularly to every point I pray your Lordships perusal of them *etc.* I shall only beg leave to explain what I mean by such of the inhabitants who ought to be liable to the duty commonly call'd the Four and a half pr. cent. who hold by donation from the Crown. *Refers to* H.M. grants of the late French lands to some French Protestants who had possessed them under the French dominion. *Continues*:—The duty of 4½ *p.c.* on all commodity of the growth of this Island exported: arrises to H.M. by a law of the Island which was made before the late war with France, and consequently affected only the English part thereof; tho' the duty has been constantly paid by all the inhabitants who possess any land in the late French quarters of it. But since H.M. has been pleas'd to dispose of these lands, there is a proviso in the contracts made by the Commissioners with the purchasers, that they shall pay the 4½ *p.c.* duty. Notwithstanding which contract I thought it more advisable, for the security of the payment of that duty, and to avoid all contest upon the manner of paying it, to have it enacted into a law: I hope your Lordships will think it highly reasonable (that as the persons who purchase from H.M. at the highest rate that ever any land was sold for in the West Indies so readily come into the payment of this duty, as your Lordships may please to observe in the Address of the Assembly) that the aforementioned French Protestants who hold by donation from the Crown should be liable to the same duty, there being no obligation for them to pay it by their patents *etc.* Antegoa and Nevis are very much afflicted with dry weather, and will make but very small crops this year. The *Royal George* (*v.* 30th Nov. 1726) upon a survey made by two of the Captains of H.M. ships of war assisted by several other able masters of ships have reported her unfit for the sea, and accordingly has been condemn'd by a Court of Admiralty. In the mean time Mr. Bomsted, the Cheif Factor is hireing ships to carry off the bulk of the cargoe: but as for the specie of gold and silver, which I am credibly inform'd amounts to a million of money sterling, will remain at Antegoa untill ships are order'd from England to carry it home, which may be expected every day: For I acquainted Sir John Eyles Deputy Governour of South Sea Company with the *Royal George's* arrival and condition at Antegoa three weeks before Mr. Bomsted cou'd possibly have an opportunity of doing it. P.S. This goes in the ship *Thomas*, James Tobin Master. *Signed*, Jo. Hart. *Endorsed*, Recd. 15th, Read 19th May, 1727. 4¾ *pp.* *Enclosed*,

441. i. Speech of Governor Hart to the Council and Assembly of St. Kitts, 17th Dec. 1726. *Recommends* renewal of Militia Act *and congratulates* them that, whilst the publick is fully supplied, the Island is clear of debt, "a happyness perhaps peculiar to St. Christophers." *Recommends* law relating to 4½ p.c. *as in preceding.* The late French lands make one half of the Island and the purchasers of them should have due representation in the Assembly *etc.* *Signed*, Jo. Hart. *Endorsed*, Recd. 15th May, 1727. *Copy.* 2 *pp.*

441. ii. Address of the Council of St. Kitts to H.E. Basseterre. 29th Dec. 1726. *Return thanks* for above Speech and congratulate themselves on H.E.'s prudent administration. "No division of Councils, no heats or misunderstandings have ever happned between the two Houses since your accession." Will enact the laws recommended *etc.* *Endorsed as No.* i. 9 *Signatures.* *Copy.* 1½ *pp.*

441. iii. Address of the Assembly of St. Kitts to H.E. Reply to *No.* i, in same tone as preceding. 17th Dec., 1726. *Signed*, J. Spooner, Speaker. *Endorsed*, as *No.* i.

441. iv. Account of negro slaves imported into St. Kitts, 20th Dec., 1721—25th Dec., 1726. *Total*, 5,600. Imported by 33 ships belonging to Separate Traders and one to the African Co. *Endorsed as No.* i. 1 *large folded p.*

441. v. Account of negro slaves imported into Antigua, 20th Dec., 1721—25th Dec., 1726. *Total*, 4,633. Imported by 31 ships belonging to Separate Traders and one to the African Co. *Endorsed* as *No.* i. 1 *large folded p.* [*C.O.* 152, 15. *ff.* 322*v.*–324*v.*, 325*v.*–328*v.*, 329*v.*, 330*v.*, 331*v.*, 332–333*v.*]

Feb. 18. **442.** Mr. Fane to the Council of Trade and Plantations. *Reply to* Feb. 14. The Act of 33 Hen. VIII expressly directs the word *executoribus* to be used in all obligations to the King *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 20th, Read 24th Feb., 172 6/7. 1½ *pp.* [*C.O.* 5, 1266. *ff.* 225, 225*v.*, 226*v.*]

Feb. 20. St. James's. **443.** H.M. Warrant to Attorney and Solicitor General to prepare a bill appointing John Blenman Attorney General of

Barbados with a clause obliging him to actual residence, *etc.* *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 314, 315.]

Feb. 20. St. James's. **444.** Similar warrant for appointing Alexander Henderson Attorney General of Jamaica and revoking the patent of William Monk. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 315, 316.]

[Feb. 21]. **445.** Col. Spotswood to the Council of Trade and Plantations. *Replies to Queries relating to his lands in Virginia. Endorsed,* Recd. 21st, Read 28th Feb. 172$\frac{6}{7}$. $3\frac{3}{4}$ *pp.* [*C.O.* 5, 1320. *ff.* 112–113*v.*, 114*v.*]

Feb. 22. Whitehall. **446.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. One of the partition walls of our Office being in a very ruinous condition, we applyed to the Board of Works to have it rebuilt. They have survey'd it, and finding it to be in imediate danger have for present security shoar'd it up. But as the Board of Works are doubtfull whether this Office falls properly under their care, we must desire your Lordships will please to give the proper directions upon this occasion. [*C.O.* 389, 37. *pp.* 271, 272.]

Feb. 22. Whitehall. **447.** Duke of Newcastle to Governor Worsley. I give you the trouble of this in behalf of Edward Olds of Barbados, who has had a suit of Chancery depending several years between him and Jacob and John Mills of the said Island for a sum of money which he claims in right of his wife. He complains that in the prosecution of this affair he has met with many unnecessary delays from Mills, and therefore prays that it may be brought to a speedy determination. *Signed,* Holles Newcastle. [*C.O.* 324, 35. *pp.* 312, 313.]

[Feb. 22]. **448.** Proceedings of Court of Chancery, Barbados, 3rd Aug., 1726—22nd Feb., 1727. 20 *pp.* [*C.O.* 33, 27. *No.* 8.]

Feb. 23. **449.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 12 Acts of New York, 1726, *enumerated.* [*C.O.* 5, 1124. *pp.* 401–403.]

Feb. 24. Treasury Chambers. **450.** Mr. Scrope to Mr. Popple. The Lords Commissioners of H.M. Treasury being apprized of the ruinous state of the King's woods in New England and other parts of America, and that the laws which have hitherto been made for preventing the same, have been evaded and rendered in a manner useless and ineffectual ; so that in their Lordps. opinion, unless some further provision be made by Parliament, the King's woods in those parts will be utterly destroyed, and a fatal loss fall on this Kingdom by means thereof. Therefore *encloses following* for the *consideration* of the Lords Commissioners for Trade, and if a remedy be not to be had otherwise than by a new law, their Lordps. will please to prepare a draught of such a law *etc.*, " wch. my Lords may be assured shall have the best assistance my Lords can give in obtaining the passing thereof in Parliament." *Signed,* J. Scrope. *Endorsed,* Recd. 1st, Read 2nd March, $172\frac{6}{7}$. 1 *p.* *Enclosed,*

450. i. A State of H.M. Woods in America with some proposals for their more effectual preservation *etc.* *Proposes* that the law with regard to trees in townships be explained and enforced *etc.*, and exports of timber to foreign parts prohibited. *Copy.* 4 *pp.*

450. ii. Ralph Gulston. London, 24th Jan., $172\frac{6}{7}$ to [*the Lords Commissioners of the Treasury*]. In Sept. last I represented the advice I had then recd. from my Agent in New England relating to the ruinous state of the King's woods, and the indispensable necessity there was of securing my workmen from the Indians with a guard whilst they were employ'd in providing and loading the masts I have contracted to furnish for the service of the Navy. My Agent since advises me that he has already felt the ill effects of the late destruction of the King's woods, insomuch that altho' the last contractor supply'd a great part of the demands of the Royal Navy from the river of Piscataqua, my Agent has now been obliged at a great expence and trouble to send above 100 miles further along the coast, where my men were at work a great way up in the woods, but they were greatly interrupted and annoy'd by the Indians, who had surprized and carried of some people in those parts. Upon this my Agent made application to the Governor and Council of Boston for a guard of 20 men, but did not find them so ready as the occasion required *etc.* After much sollicitation they ordered a guard of ten men only and even those with condition that they should be subsisted at my cost *etc.* As there is not in England any merchant ship of sufficient length to bring the largest masts, I have one now actually building in New England purposely for that end. *Begs that* pressing orders be sent to New England that his workmen and ship may be protected by a guard of 20 men, and that the said charge for subsistence be refunded *etc.* My Agent confirms that many thousands of pine-trees fit for masts of very large dimensions have been lately destroy'd and cut into boards, and that unless some speedy and effectual care be taken, all the King's woods must be destroy'd in a

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few years *etc.*, *and proposes* that those Governments be restricted in the making of new townships, the inhabitants, to evade the penalties of the new Act *for preservation of white pine trees*, having laid out several new townships of very large and unreasonable extent though in some of them there are not above two or three families respectively settled. This has been chiefly practised in New Hampshire. *Copy.* 3¾ *pp.* [*C.O.* 5, 869. *ff.* 363, 364–365*v.*, 368–369*v.*, 370*v.*]

Feb. 25.
Whitehall.

451. Mr. Pelham, Secretary of War, to the Council of Trade and Plantations. "I have layd the *enclosed complaint* before H.M. and received H.M. commands to transmit a copy to your Lordships," for your enquiry and report *etc.* *Signed,* H. Pelham. *Endorsed,* Recd. 25th Feb., Read 15th March, 172$\frac{6}{7}$. 2 *pp.* *Enclosed,*

451. i. Petition of Merchants, Commanders of ships and others of Barnstaple and Bideford trading to Newfoundland to [the King]. *Complain of* the arbitrary and unjust dealings of Governor Gledhill, who for several years has made great encroachments on their liberties and properties at Placentia. "He hath seized on all the best places for the washing and curing of fish for his own use and to hire out, being several large tracts of land in Great and Little Placentia and the places adjacent, enough for the use of 16 ships or 100 boats rooms *etc.* All this he claims under a vain pretence of patents granted him by our Captains of men of war and from the late French possessors. And though the first year our ships fished there we enjoyed our rooms for the curing of fish free from all demands (as is our undoubted right as Englishmen confirmed by an Act of Parliamt.) we only made the Governmt. a present. But now he demands and exacts of us £15 for 6 boats rooms, and those who will not comply with this unjustifiable demand, run ye risque of spoiling their fish and loosing their shalloways on which our voyages depend, for there is no safe and convenient place left in Placentia, but what he claims as his own, his son's or his daughters on the aforesaid pretences" *etc.* He endeavours by all means to engross and monopolise all sorts of commodities to himself and advanceth ye price double on those things which are most wanted and useful for the Fishery; and those who know him and are affraid to deal with him, he often insults, abuses and imprisons them and threatens to spoil their markets till he gets their goods into his hands,

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then breaks his agreemt. wth. them, pays them less than bargain'd for, and that in bad fish, at a higher rate than the price currt., or in bad bills on persons in England who owe him nothing, and at the return of the year, when said bills go back protested, he will not allow interest or charges of protest as is the custom of merchts., but hath torn the protest in pieces and thrown it away, and we are forct at last to take his fish at his own price. He takes the same unjust way in selling his merchandizes, as in buying, breaking his agreemt. when 'tis for his advantage, having the law in his own hands. He also discourages all substantial, sober planters and others from settling there by his arbitrary dealings and encourages none but those who will be his vassals, who generally keep publick disorderly houses, to the debauching and empoverishing of our fishermen, etc. and he obliges said houses to take his liquour and on his own terms, and if we deal with those people 'tis much ye same as if we dealt wt. the Governour himself, for they transfer their debts for him to pay, who takes up their effects, and is the general Banker of the town. And whereas we are annually at great charges in building stages and houses, wch. by an Act of Parliament ought to be preserved for the conveniency and encouragement of the early ships the succeeding year ; he as soon as the said ships are gone encourages his garrison and others to demolish said stages and houses, for the sake of the timber and iron works, of which great quantaties are yearly sold to ourselves and New Englandmen, which are taken from *them etc.*, for he hath demolished most of the best houses of the town. We are in hopes that some former petitions against him by particular sufferers wou'd have reform'd or remov'd him, but since they had not their desir'd effect, we are constrain'd humbly to beg yr. Honours' consideration of this petition. The truth of the foregoing charges we prove by the annexed affidavits of the masters of our ships. 36 *signatures.* 1 *large p.*

451. ii. Deposition of Commanders of ships that the above charges are to their knowledge true. Feb. 15, 1726(7). 15 *signatures.* ½ *p.* [*C.O.* 194, 8. *ff.* 23–24, 25, 26*v.*]

Feb. 27.
St. James's.

452. H.M. Warrant appointing Francis Jones to the Council of Bermuda, in place of Henry Tucker, decd. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *p.* 327].

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Feb. 28.
St. James's.

453. H.M. Warrant appointing John Butterfield to the Council of Bermuda in place of Samuel Raynes, decd. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *p.* 328.]

Feb. 28.
Whitehall.

454. Mr. Popple to Lt. General Mathew. *Encloses,* for his answer as soon as possible, the Address from the Assembly of St. Kitts, referred to the Board by H.M., " praying that you may render an account of a sum given to you by act of Assembly to build a fortification " *etc.* [*C.O.* 153, 14. *pp.* 230, 231.]

March 1.

455. Mr. Fane to the Council of Trade and Plantations. *Reply to* 15th Feb. A copy of Lord Orkney's Instructions attested by the proper officer will suffice *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 1st, Read 2nd March, 172$\frac{6}{7}$. 1 *p.* [*C.O.* 5, 1320. *ff.* 115, 116*v.*]

March 2.
Whitehall.

456. Council of Trade and Plantations to Governor Burnet. *Acknowledge* letter of 19th Dec. *Continue* :—We observe that you desire us to apply to H.M. for orders to you in relation to the gold and silver mines in New Jersey, that you may encourage the undertakers to make a discovery on such terms as H.M. shall think fit to grant them ; wherefore if you will transmit to us, any proposals for working the said mines, we will lay them before the Lords of the Treasury, but till that be done, we do not think ourselves fully enabled to move H.M. upon this head. We have consider'd the two certificates from the merchants of New York, and Perth Amboy, that the credit of the paper bills is considerably advanc'd, as also what you write in relation to the encrease of their value, since the alteration you made in applying part of the interest money arising upon the loan of the £40,000 in bills of credit, made current by the Act passed in 1723 ; but we cannot finde any reason for altering our former opinion with respect to the said bills ; the rise of which we are more inclin'd to think, is owing to the stop put to the further application of the sinking fund, than to any other reason whatsoever, and therefore we desire, you will be cautious how you pass any act for applying the said sinking fund, till all the bills created by the Act of 1723 are sunk, and this we conceive to be the only means of keeping your paper currency in any credit. We have recommended, as you desir'd Mr. Cornelius van Horn to be a Councillor in New Jersey *etc.* [*C.O.* 5, 996. *pp.* 145–147.]

March 2.
Whitehall.

457. Mr. Popple to Mr. Scrope. Encloses draught of bond in £2000 for Depty. Governor Calvert, that the said security may be taken at the Treasury *etc.* *Annexed,*

457. i. Draft of bond referred to in preceding. [*C.O.* 5, 1293. *pp.* 406–415.]

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March 2.
Whitehall.

458. Mr. Popple to Governor Burnet. *Acknowledges* letter and enclosure. Their Lordships expect the Acts for the future to be carefully abstracted in the margins. You are to require an account of fines and forfeitures from the Sheriffs *etc.* *Hopes* he will soon receive directions upon the Fort at Niagara in pursuance of the Board's letter of Jan. 11, *etc.* *Set out,* N.Y. Col. Docs. V. *pp.* 815, 816. [*C.O.* 5, 1124. *pp.* 404, 405.]

March 3.

459. Mr. Leheup to Mr. Popple. *Presses for* reports on Act of New York, *for the more easy partition of lands* and of Virginia for *laying a duty on liquors imported etc.* *Encloses* memorial about an Act intended to be passed at New York. *Signed,* Peter Leheup. *Endorsed,* Recd. 4th, Read 10th March, 172$\frac{6}{7}$. 1 *p.* *Enclosed,*

459. i. Mr. Carter to Mr. Leheup. Rappa. Jan. 5, 172$\frac{6}{7}$. *Acknowledges* letters *etc.* *Continues* :—It will be very greatfull to the country to have the liquor law obtain the royal assent. It is the only expedient we have left to answer the charges of the Govermt. by. I was always doubtfull the representation about the case between Randolph and Perry (*v.* July 10, 12, 1726), would hardly meet with a favourable reception *etc.* In confidence it may be observ'd, if ye merchants can worry us out of our estates by loading us with interest upon interest we shall be in a bad condition. The best remedy will be not to get into their debts. *Signed,* Robert Carter. *Addressed.* 1½ *pp.* [*C.O.* 5, 1320. *ff.* 117, 118, 118*v.*, 120*v.*]

March 3.
Whitehall.

460. Mr. Popple to Mr. Fane. Refers to letter of 21st June last, and requests his opinion, on Tuesday next, upon enclosed. *Annexed,*

460. i. Draft of Act *for the better and more effectual preservation of H.M. Woods in America.* [*C.O.* 5, 916. *pp.* 1–5.]

[Mar. 4.]

461. Mr. Leheup to the Council of Trade and Plantations. Encloses draft of an Act of New York *for amending the practice of the law and to regulate the giving of special bail etc.*, with request as directed, No. ii. *Endorsed,* Recd., Read 4th March, 1727. 1 *p.* *Enclosed,*

461. i. Draft of Act referred to in preceding. *Endorsed,* Sent to Mr. Fane, 10th March, Recd. back 28th Sept., 1727. 2 *pp.*

461. ii. Extract from letter from Adolph Philipse, Speaker of the Assembly at New York to Mr. Leheup, Dec. 4th, 1726. The Assembly desire you will apprize the Board of Trade of the reasonableness of *enclosed* Act and to assure them that H.M. good subjects are very desirous it should pass into a law, and to request

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that they will signify to the Governour that they have no objection to the Act being past whether with or without the clause made thereto by the Council. In the House it passed nemine contradicente, and the Council made no amendments but added a clause that it should not be of force untill H.M. had approved of it *etc.* The majority of the House being apprehensive that if this proviso was agreed to, it might be made use of as a precedent, and that in consequence every law for the benefit of the subject must have that restriction, and none pass without it but such as lay taxes and impositions upon them; whereas it is the undoubted prerogative of H.M. at any time to approve or disapprove any law made here, it was therefore agreed rather to let it lye by, than enter in a dispute with the Council about that clause, *etc.* For the first part of the Act, which is to prevent the removall of actions not exceeding £20 from the inferiour Courts to any higher Judicature, we have severall laws of long standing to the same purpose: but no penalty being annexed thereto, people have been arrested in the Supream Court for trivial sums, some of which have rather chose to pay the same (tho' the debt was disputable) than subject themselves to the high fees and charges of that Court: and others who came immediately to discharge the debt, found the fees and charges amounted to more than double the debt itself. This part of the law has no other view than to prevent these grievous abuses *etc.* The second part relating to the giving special bail in the remote counties seems to square with an Act passed in the fourth year of William and Mary *etc.* *Copy.* 2½ *pp.* [*C.O.* 5, 1054. *ff.* 148, 148*v.*, 149*v.*, 150, 151*v.*–153.]

March 4.
London.

462. Major General Hunter to Mr. Popple. Encloses following. *Signed,* Ro. Hunter. *Endorsed,* Recd. 4th, Read 7th March, 172$\frac{6}{7}$. *Holograph.* 1 *p.* *Enclosed,*

462. i. Queries upon former Instructions of Governors of Jamaica. (*a*) *Instr.* 15. Things having no proper relation to each other are not to be intermixed in one and the same Act *etc.* *Quere,* whether this does not justify the Assembly's refusing to make the additional subsistance for the soldiers part of a bill for establishing a perpetual Revenue? (*b*) *Instr.* 31 limiting the making of grants to the Governor to within a year of his arrival *etc.* *Quere,* whether the Assembly may be more proper judges of their Governor's expences and merits in his second year? *Instr.* 45. *Quere,*

whether an Additional Subsistance established by temporary Acts be not an exact compliance with this Instruction, seeing the necessity is supposed not to be perpetual (*but,* "*till the Island be better peopled*"). *Instr.* 46. Being already complied with may be left out, *Instr.* 65. *Quere,* The Bishop of London's Ecclesiastical Jurisdiction being now established by patent. *Quere,* whether Governors are any longer judges of the conveniency of the execution of the powers so granted and how far they are obliged to give civil sanction to the penal mulcts or excommunications of the Commissaries impowered by him for that purpose? *Instr.* 75. There being now an appearance of war, that copies of Commissions and Instructions be given me for private ships of war. *Instr.* 94. *Quere,* Captains of the King's ships having special Commissions in this matter from the Board of Admiralty, whether it may not be expedient to have it cleared up, to prevent disputes which have frequently happened. *Quere,* whether it may not be expedient to leave the sum granted to an Agent for negociating their affairs here to the discretion of the Assembly. 1 *p.* [*C.O.* 137, 16. *ff.* 339, 340, 342*v.*]

March 4. St. James's. **463.** H.M. Commission appointing Alexander Cosby Lt. Governor of the Garrison of Annapolis Royal. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 316, 317.]

March 5. St. Christophers. **464.** Governor Hart to the Council of Trade and Plantations. Refers to letter of 15th Feb. Will send duplicates of papers enclosed by the next opportunity. *Continues:*—Two Spanish sloops wearing Spanish colours arriv'd on Sunday the 12th of February past about ten of the clock in the morning at Lime Tree Bay in the Island of Sta. Crux within my Government, and took, plunder'd and carried away with them the several vessels hereunder mention'd (vizt.) the *Alida* sloop of New York, *Eagle* sloop of Amboy, *Charles* sloop of Nevis, *Loyal Hart* sloop of St. Christophers, *Marygold* sloop of Barbados, *Endeavour* of Antegoa, brigantine. The *Mary and Rebecca* of St. Christophers, a sloop of about 65 tons Michael Rann Master was taken on the high seas, and plunder'd, but afterwards made her escape. *Refers to depositions enclosed. Continues:*—The capture of the vessels belonging to H.M. subjects and detaining them prisoners by virtue of a Commission dated 23rd of January last given by the Governor and General of St. Domingo in the Island of Hispaniola, (*v.* encl. *No.* i), is in my humble opinion a commencing war on H.M.; Whereas I have no signification from the Right Honourable the Secretary of State, nor your Lordships, that H.M. has been pleas'd to declare a war with the Crown of Spain, nor of that Crowns declaring the same with Great Britain: and as I am restrain'd by my Instructions from making any reprisals on the subjects of a Foreign Prince, without H.M. special licence thereto, it is a lamentable spectacle to see so many poor familys undone, without having it [*in*] my power to redress them. Whilst I was advising with the Council what methods to take to reclaim these vessels by my letters sent express to the Governor of St. Domingo, no war being yet proclaim'd with Spain, I receiv'd advice from Mr. Byam Lt. Governor of Antegoa, that on 10th Feb. there came from Barbuda the Master of a Spanish ship about 125 tons, and 50 men and boys, bound for the Canaries, who gave him the following account. That his ship sprang a leake, and that they were in great danger at sea, having six foot water in the hold; and that they made for the island of Barbuda, and there run their ship on ground, and got vessels from Antegoa to unload her: and that her cargoe is put into the Custom there, which consists cheifly of coco and tobacco wth. several peices of eight from La Guiara. This ship came in company from the Havana with Admiral Castinetto, and his four men of war, and also two Admirals with him, with two frigats more, making up in all eight, who sail'd for Spain the 25th of the last month N.S. with the Flota under their care, which is said to have sixteen million of peices of eight on board them. The master of the Spanish ship abovementioned lost at Barbuda reports that soon after Admiral Hosier arrived at the Bastimentos before Porto Bello the galleons in that harbour were unloaden, and the treasure on board them was carried by land to Carthagena, and several other ports in the Spanish Dominions, and from thence convey'd in small vessels to the Havana, were they made up the above flota, with intention to sail for Cadiz in Old Spain. *Sends this information by the first ship that has sailed etc. Continues:*— By the advice of the Council of St. Christophers, I wrote to Governor Byam to summon the Council of Antegoa, to have their opinions whether the effects belonging to the Spanish ship lost at Barbuda might not be detain'd until, at least, the return of the vessel that I shall send express to the Governor of St. Domingo, to reclaim the vessels aforesaid *etc.* I shall send this express this day, in my opinion no time being to be lost, least the Spaniards shou'd have notice of a war being declared, as it is rumour'd here by a vessel touch'd from Barbados. With this express goes a Spanish Preist, who was a passenger in the Spanish ship lately lost at Barbuda, who had effects to a considerable value on board the said vessel, and has promised to use his utmost endeavours with the Governour of St. Domingo to restore the vessels, and all that belong to them *etc.* And in case he succeeds I have promised him, the war being not yet declared to restore him to all the Spanish effects sav'd out of the ship lost at Barbuda. *Refers to his description of* Sta. Crux, *C. S. P.* 1724, *July* 12*th. Continues*:—Since that time many of the inhabitants of the Leeward Islands, labouring men, and the poorer sort, resort thither to cut wood, but cheifly fustick and lignum vitæ. The number of these wood-cutters is computed at about 150, and a good labourer will earn from 8 to 10 shillings a day. To supply these people with necessarys, and to purchase their wood, was the occasion of so many vessels being at Sta. Crux, at the time they were taken by the Spaniards. The wood-cutters above-mentioned goe to that Island at their own risque, having no grants for land from me or any of my predecessors, nor regular plantations theiron. But live in hutts, and move from place to place for their conveniency of wood cutting. However your Lordships may please to make some estimate of what value that Island is to H.M. subjects at present, and how much more capable it is of being improved *etc. Signed*, Jo. Hart. *Endorsed*, Recd. 15th, Read 19th May, 1727. 5 *pp. Enclosed*,

464. i. Deposition of Samuel Mitchell, late Master of the sloop *Loyall Hart*. St. Kitts, 23rd Feb., 1727. *Describes* taking of sloops at Sta. Crux as above. *Concludes*: Next day the *Mary and Rebecca* came back; having escaped in the night. Deponent heard there was a paper found on board her wrote in Spanish supposed to have been designedly put there by the Captains orders from (?—*for*) them to find, the English whereof I have heard is, I say John De Messa Captn. of the sloop *Conception* by virtue of a Commission given me by Sir Dn. Fransicco La Rocha Ferrer Governor and General of the Island of St. Domingo, dated 23rd July last that my orders John Joseph Anes with his sloop is to follow *etc. Signed*, Saml. Mitchell. *Endorsed*, Recd. 15th May, 1727. 1¼ *pp.*

464. ii. Deposition of Francis Hamm of St. Kitts, passenger on board the *Mary and Rebecca*. Confirms first part of preceding. *Signed*, Fran. Hamm. *Dated and endorsed as preceding*. 1 *p.*

464. iii. Deposition of Michael Rann, Master of the sloop *Mary and Rebecca*. As preceding. *Signed*, Michell Rann. *Dated and endorsed as preceding*. 2½ *pp.*

464. iv. Deposition of Richard Bardin, late Master of the sloop *Marigold* of Barbados. *As No.* i. 22nd Oct., 1727. *Signed*, R. Bardin. *Endorsed as preceding*. 1¼ *pp.*

464. v. Deposition of George Fraser, late Master of the sloop *Eagle* of Amboy. As No. i. 23rd Feb., 1727. *Signed*, Geo. Fraser. *Same endorsement*. 1¼ *pp.* [*C.O.* 152, 15. *ff.* 334–336, 337*v.*, 338, 339–340, 341–342, 343–344*v.*, 345*v.*, 346, 347, 347*v.*, 348*v.*]

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March 7.

465. A Draft of an Act *for the better and more effectual preservation of H.M. Woods in America.* Approved by Mr. Fane. *Endorsed,* Recd. 7th, Read 14th March, $172\frac{6}{7}$. $8\frac{1}{2}$ *pp.* [*C.O.* 5, 869. *ff.* 371–375, 376*v.*]

March 7.
Whitehall.

466. Mr. Popple to Lord Archibald Hamilton. With a view to Brigr. Hunter's Instructions, *enquires* whether the debt due to him for subsisting the two Companies at Jamaica is discharged. [*C.O.* 138, 17. *p.* 111.]

March 7.
Whitehall.

467. Mr. Popple to Mr. Carkesse. My Lords Commissioners observing ye many alterations that have become necessary to be made in the Instructions given to H.M. Governors, since those prepared for Sir N. Lawes (*v.* 3rd July, 1717), send you the inclosed draft in columns, prepared for Mr. Calvert, Deputy Governor of Maryland, for the opinion of the Commissioners of Customs thereupon as soon as may be *etc.* Pursuant to your letter of 31st July, 1717, an Article has been added to the Instructions of Governors of Plantations immediately depending on the Crown, for the exemption of Custom House Officers from serving on Juries or in the Militia (*quoted*). *Enquires* whether the Commissioners of Customs do not think it requisite and proper, that something to that effect should be given to the Deputy-Governors of the Proprietary Colonies. [*C.O.* 324, 11. *pp.* 34–36.]

March 8.
Clarges Street.

468. Lord A. Hamilton to Mr. Popple. In reply to 7th March, desires that the Instruction for the payment of the remainder of the debt due to him for subsisting the Independant Companies may be renewed. *Signed,* A. Hamilton. *Endorsed,* Recd. 8th, Read 9th March, $172\frac{6}{7}$. *Holograph. Addressed.* 1 *p.* [*C.O.* 137, 16. *ff.* 343*v.*–344*v.*].

March 8.
Whitehall.

469. Mr. Popple to Mr. Burchett. My Lords Commissioners having under their consideration the Commission and Instructions for Governor Hunter *etc.*, and being informed that the Captains of H.M. ships of war, stationed in the Plantations, have received Instructions from the Lords Commissioners of the Admiralty in relation to the disposal of pirates effects, as have ocasioned sevl. disputes between the said Governors and Captains, send you enclosed copy of H.M. 94th Instruction to His Governor of Jamaica, which as it is general to all His Governors in America, you will please to lay the same before the Lords of the Admiralty, with my Lords desire, that the future Instructions given to Captains of ships of war may not interfere with H.M. Instructions to his Governors in America. [*C.O.* 324, 11. *pp.* 36, 37.]

1727.
March 9.
Whitehall.

470. Council of Trade and Plantations to the King. Recommend for confirmation Act of Antigua *for dividing the parish of St. Peter, etc.* [*C.O.* 153, 14. *p.* 231.]

March 10.
Whitehall.

471. Council of Trade and Plantations to the King. Recommend confirmation of Act of Virginia, *to confirm the title of Richd. Randolph, etc.* [*C.O.* 5, 1365. *p.* 310.]

March 10.
N. Providence.

472. Governor and Council of the Bahama Islands to the Council of Trade and Plantations. *Acknowledge* letter of 17th Nov., 1726, and return thanks for their Lordships good offices *etc. Enclosed accounts* show that H.M. bounty is applied as directed. *Enclose* account of stores of war wanting, "the Board of Ordnance not taking any cognizance of what the Governor has hitherto writt to them. We hope at this juncture your Lordships will think it absolutely necessary we should be supply'd." *Signed,* G. Phenney *and six Councillors. Endorsed,* Recd. 2nd, Read 10th Nov., 1727. 1 *p. Enclosed,*

472. i. Account of cash. 16th Feb., 1727. *Receipts* (*including H.M. bounty of* £183 17s. 4*d.*). P.s. 8. 1618—£323 12*s.* 1*d. Expenditure* £302 19*s.* 2*d. Balance in hand,* £20 12*s.* 9*d. Signed and sworn to in Council,* Pr. Goudet, Treasurer. *Same endorsement.* 2 *pp.* [*C.O.* 23, 2. *ff.* 103, 104*v.*, 105*v.*–106*v.*]

March 10.
Whitehall.

473. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, draught of an Act of New York *to amend the practice of the law etc. v.* March 4. [*C.O.* 5, 1124. *p.* 406.]

March 11.
Whitehall.

474. *Same to Same.* Encloses Mr. Colden's letter containing his objections to the Act of New York *for the partition of lands in common etc.* [*C.O.* 5, 1124. *p.* 406.]

March 14.
South Sea House.

475. Mr. Wescomb to Mr. Popple. Requests that the Board will determine the issue raised 22nd Dec., 1724, March and Oct. 1725, as to taxation of negroes imported into Jamaica, with a view to Instructions being given to the new Governor *etc. Signed,* D. Wescomb. *Endorsed,* Recd. 14th, Read 16th March, 172$\frac{6}{7}$. *Addressed.* 2½ *pp.* [*C.O.* 137, 16. *ff.* 345–346*v.*]

March 14.
Whitehall.

476. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed,*

476. i. *Same* to the King. Enclose following.

476. ii. Draft of H.M. Commission to Robert Hunter Esq. to be Governor of Jamaica. In the usual form. [*C.O.* 138, 17. *pp.* 112–134.]

1727.
March 16.
Whitehall.

477. Mr. Popple to Mr. Scrope. *Reply to* 24th Feb. My Lords Commissioners having prepared the draught of a bill for the better and more effectual preservation of H.M. woods in America, *encloses* copy for the opinion of the Lords Commissioners of the Treasury for their sentiments thereon, *etc.*; also a clause, prepared to make the said bill more effectual by obliging all the importers of masts, yards and bowsprits, to produce a certificate of their having been cut by licence from the Surveyor of H.M. woods, before the said importers can be entituled to receive any bounty for the same; But as my Lords do not know whether the bounty upon masts, yards and bowsprits given by the Act of the 3rd and 4th of her late Majesty's reign, is to be renewed after the expiration of the said Act, My Lords are desirous of receiving the opinion of the Lords of the Treasury how far a clause to that effect may be proper to be added to the said bill *etc.* and whether it be necessary that some provisions be made in the said bill for a check upon the said Surveyor, in his granting licences for felling of timber in H.M. woods. [*C.O.* 324, 11. *pp.* 37, 38.]

March 16.
Whitehall.

478. Council of Trade and Plantations to Mr. Pelham, Secretary at War. *Enclose following.*

478. i. *Same* to the King. *Reply to 25th Feb.* The petitioners living at so great a distance, we have not been able to examine them particularly as to the facts alledg'd, but they being attested by the affidavits of sevl. Commanders of vessels trading there, and we haveing formerly had complaints of the like nature agt. Colo. Gledhill, we transmitted the same to him, with directions for him to give his answer thereto, and for the future to observe your Majesty's Instructions, whereby neither he nor any of the Garrison at Placentia, are to concern themselves in the Fishery under pain of your Majesty's highest displeasure; But as he hath neglected to give us any answer thereto, we have the more reason to think the allegations in the same petition true, and are of opinion it will be for your Majesty's service, that he should be sent for home, to answer the several complaints that have been exhibited against him. [*C.O.* 195, 7. *pp.* 147–150.]

March 17.
Barbados.

479. Governor Worsley to the Duke of Newcastle. I received not long since the honour of your Grace's letter of the 22nd June last, in relation to a grant of the Crown to Mr. Henry Morgan and his wife, of an estate in Barbadoes till a debt of £3,500 be paid to him. I shall use my utmost endeavours to support his pretentions here, according to your Grace's commands *etc.* *Signed*, Henry Worsley. *Endorsed*, Rd. May 23. 2 *pp.* [*C.O.* 28, 44. *No.* 106.]

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March 17. **480.** *Same* to *Same*. As no ships have arrived here from London till about a fortnight ago, and as none has sailed from hence for that place till now, I could not have the honour of receiving your Grace's letter of the 10th of Nov. last sooner, nor of answering it before, which I am the more concerned at, in that it has deprived me till now of the honour and sattisfaction of acknowledging the great favours and obligations your Grace has done me in representing to H.M. me, and the affair of Mr. Sutton, in such a light, as that H.M. from His extream goodness should entertain so favourable an opinion of me *etc.* In pursuance of H.M. commands I have removed Mr. Sutton from the Council, and by a supersedeas have put him and Mr. Sedgwick out of the Commission of the Peace; I have also sworn Mr. Haggat into the Council this being the first vacancy that has happened since I had the honour of receiving H.M. sign manual for the so doing. Whereas I have lately refused to admit Mr. Carter a Deputy of Mr. Cornelius Clerk of the Naval Office by patent from H.M., into the execution of that office, I think it my duty to give your Grace my reasons in order to receive H.M. commands upon it. Tho' the Governours of the Plantations are by some of the Acts of Trade lookt upon as Naval Officers, yet since H.M. has been graciously pleased to grant patents to the Clerks of the Naval Office these have ever since enjoyed the benefits of the office, and is not in the least disputed; for the present deputy to Mr. Cornelius enjoys them in as full and ample a manner as any of his predecessors: But Mr. Cornelius's deputation to Mr. Carter varies from what he gave on 6th Jan. $172\frac{5}{6}$ to his present Deputy, in which he calls himself Clerk of the Naval or Navy Office, and in that to Mr. Carter Naval Officer, and has accordingly given him such instructions as H.M. has given to his respective Governours, but his first instruction to Mr. Carter I must in a particular manner take notice of, he therein orders him (as if he were apprehensive I should allow of him) that in case of my absence, or other obstruction in quallifying himself before me, he is to apply himself to some of the Judges of the Courts, or to two or more of H.M. Justices of the Peace, and desire them to administer to him the oaths appointed by law before he enters on the execution of his Office *etc.* *Quotes* H.M. Commission to himself to administer, and to appoint fit persons to administer the oaths appointed. *Continues*:—Mr. Cornelius in his letter to me says that in case of a vacancy he has sent a deputation to some proper person to be made use of occationally: This is impow'ring another to appoint a Depty. for him; Mr. Dunbar, who is Surveyor General and lives at Antegua, I suppose is the person to whom he has sent the said deputation, for when he came hither lately, (as he generally does in once or two or three years) he accompanied Mr. Carter with Mr. Cornelius's deputation and has since wrote to Mr.

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Secretary Webster upon that head, in which there is this paragraph (vizt.) " But I shall concern myself no more about than barely to say that I waited on him to be sworn and H. E. did not think proper to administer the oaths to him ; that Office being pretty much independant of me, had it been, I should have sworn him myself " *etc.* Some of the Patent Officers have in Mr. Cox's Presidentship, given powers of Attorney to persons here, to appoint deputy's to them in case of any vacancy ; this is directly contrary to the 54th article of my Instructions, which grants the Governour power upon a vacancy or suspension of an officer to put in any fitt person to officiate in the interval till the place be disposed of by the Crown or further directions : of these powers of attorney I have inclosed copys of two : and as these powers of attorney clash with my Instructions, and as it seems to be contrary to law for a deputy to appoint a deputy, and as the King has granted a power to the patentees to appoint a deputy or deputy's by which, if duly observed, any inconveniency to the Patentes upon a vacancy might be obviated, I am very much surprised at this innovation *etc.* *Asks for* H.M. *commands therein and refers to enclosures. Signed,* Henry Worsley. *Endorsed,* Rd. May 23rd. 8 *pp.* *Enclosed,*

480. i. List of fines, forfeitures and escheats (£81.15) at the Grand Sessions of Barbados, 13th–16th Dec., 1726. *Signed,* Cha. Browne, Dep. Cl. Cor. 1¾ *pp.*

480. ii. List of causes (28) at above Sessions. *Same signature.* 2 *pp.*

480. iii. Duplicate of preceding.

480. iv. Duplicate of *No.* i.

480. v. Address of the Grand Jury, at above Sessions, to the King. *Express* loyal sentiments and thanks for a most worthy Governor. *Signed,* Joseph Thorne, Hugh Williams, Archd. Carmichaell, Seabury Ayshford, John Odwin, Jno. Lewis, Wm. Browne, Lewis Cutting, John Castleman, Nath. Lamplee, Phillip Hudder, Henry Williams. 1¾ *pp.* [*C.O.* 28, 44. *Nos.* 107, 107 i–v.]

March 17.
Barbados.

481. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed,* Henry Worsley. *Endorsed,* Recd. 23rd May, Read 20th June, 1727. 7 *pp.* *Enclosed,*

481. i, ii. Duplicates of *Nos.* i, ii, encl. preceding.

481. iii. Duplicates of encl. v–ix, xii, xiii. Aug. 22, 1726, relating to Henry Carter's deputation from John Cornelius, Naval Officer, Barbados. [*C.O.* 28, 18. *ff.* 331–335*v.*, 336*v.*, 337, 338*v.*–343, 344*v.*–345*v.*, 346*v.*–349, 350*v.*–353*v.*, 354*v.*–355*v.*]

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March 17. **482.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*

482. i. *Same* to the King. *Report upon* petition of Royal African Co. referred 21st Feb. *Have heard* the Company and separate traders *etc. Continue*:—The two principal points in dispute between *them,* were the nature and condition of the trade, and the utility of the forts and settlements *etc.* The African Company set forth that the competition between them, the Dutch, French and Portuguese, but chiefly between them and the seperate traders of Great Britain, has raised the price of negroes on the coast of Africa to four times the value they were formerly sold at, from whence, and from the badness of their own circumstances, they infer that this trade is in the utmost danger of being lost, and consequently the Plantations of being ruined for want of necessary supplies of negroes; that they are already come to a resolution of trading no longer, and that unless some speedy releif be given them, they shall be no longer able to maintain their forts and settlements, but must be obliged to abandon them. But notwithstanding the African Company apprehend this trade to be in danger of being lost, yet it appears to us that the trade to Africa is greatly increased as well in the number of ships imploy'd therein, as in the number of negroes carried from thence to your Majty's Plantations since the expiration of the duty of 10 p.c. ad valorem for all goods and merchandize exported to Africa from England, or from your Majesty's Plantations in America, by any seperate trader, imposed by an Act, 9th and 10th K. William III, *to settle the trade to Africa,* which expired in 1712, and tho' the price of negroes is much greater upon the coast then formerly, which is a natural consequence, of a greater demand, yet it did appear that your Majty.'s subjects in the Plantations, have been much better supplyed, and very near as cheap as formerly. *Report upon the forts and settlements in Africa. Continue*:—Upon the whole, since it is evident by the experience of many years, that this trade is greatly encreased since it has been laid entirely open to all your Majty.'s subjects, we are humbly of opinion it ought always to continue free and open, *etc.* [*C.O.* 389, 28. *pp.* 304–312.]

March 21. South Sea House. **483.** Mr. Wescomb to Mr. Popple. In reply to 17th, asks for another date for his Directors to attend the Board *etc. Signed,* D. Wescomb. *Endorsed,* Recd. 21st, Read 22nd March, 172$\frac{6}{7}$. 1 *p.* [*C.O.* 137, 16. *ff.* 347, 348*v.*]

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March 21. Exchequer Office in the Temple. **484.** Certificate by H.M. Remembrancer's Office, that Lt. Governor Calvert has given the security required *etc.* *Signed,* James Pearse. *Endorsed,* Recd. 21st, Read 22nd March, 172$\frac{6}{7}$. $\frac{2}{3}$ *p.* [*C.O.* 5, 1266. *ff.* 227, 228*v.*]

March 22. Whitehall. **485.** Mr. Popple to Mr. Carkesse. Presses for reply to 7th March. [*C.O.* 324, 11. *p.* 39.]

March 22. Whitehall. **486.** Council of Trade and Plantations to the King. Recommend William Dandridge for the Council of Virginia, in the room of Philip Ludwell, decd. [*C.O.* 5, 1365. *p.* 311.]

March 22. London. **487.** Governor the Earl of Orkney to the Council of Trade and Plantations. I wrote according to your desire to Coll. Spotswood that he would returne me my originall Instructions. I send your Losps. his letter, to show you, except higher powers oblidge him to it, very likely he will not returne them *etc.* *Recommends* Major John Custis to succeed Col. Ludwell in the Council of Virginia, " who is one of the best substance of any in that countrey, and resides constantly at Williamsburg, which makes it absolutely necessary, to have two of the Councell allwise upon the place, there being non that lives at Williamsburg but Mr. Blair " *etc.* *Continues :*—Collo. Jennings [who] is the eldest Councillor and now become a perfect child, incapable of any kind of bussiness, and has been for severall years *etc.*, I think it for H.M. service that another Councellor should be named in his place. The more necessary ; since by my patent in case of the death or absence of the Lieut. Governor the Governmt. devolves upon him. And to prevent this, by advice of Councell, he was suspended by Lieut. Governour Drysdale, and likewise an order was sent from hence, to lay him aside. But if he is put again into the new Instructions, all this falls of course, and so the Governmt. falls into his hands, in case of the Lieut. Governor's death or absence. I shall not take upon me to recomend any in his place, being informed that application has been made to the Board allready, for one unknown to me. *Signed,* Orkney. *Endorsed,* Recd., Read 24th March, 172$\frac{6}{7}$. 2$\frac{1}{3}$d. *pp.* *Enclosed,*

487. i. Col. Spotswood to Governor the Earl of Orkney. March 22. Is ready to attend the Board of Trade with his Instructions, if it is only to satisfy them with a perusal thereof ; but if this is a demand for his surrendering them, he begs to be excused, until precedents be produced. *Continues :*—I received new Instructions signed by my Sovereign, *etc.* However I have been worked out of my Government, I must not suppose that Province to have been ruled without authentick powers from H.M. for five years past :

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so that Mr. Drysdale's Instructions are the most proper to be demanded *etc.* *Signed,* A. Spotswood. *Same endorsement.* *Holograph.* 1 *p.* [*C.O.* 5, 1320. *ff.* 121–123, 124*v.*]

March 23.
St. James's.

488. H.M. Additional Instructions to Governors relating to appeals. (*v.* Feb. 8th *and* A. P. C. III. *No.* 100). The Instructions for the several Governors. *Set out,* in the case of the Governors of New York, New Jersey and Pennsylvania, N.Y. Col. Doc. V. 816; N. J. Archives, 1st Ser. V. 127; and Penn. Archives, 1st Ser. I. 196. *Signed,* G. R. [*C.O.* 5, 193. *pp.* 37–39, 41–43, 45, 46, 49–51, 53–55, 57–59, 61–63, 65–67, 69, 70, 73, 74, 77, 78, 81, 82, 85, 86.]

March 24.
Whitehall.

489. Mr. Popple to Colo. Spotswood. My Lords Commissioners being informed by the Earl of Orkney that you have the original Instructions given to his Lordsp. for the Governmt. of Virginia, desire you will forthwith send them to his Lordsp. for His Majesty's service. [*C.O.* 5, 1365. *p.* 311.]

March 25.

490. Petty expenses of the Board of Trade from Christmas, 1726 to Lady day, 1727. (*v. Journal.*) 5 *pp.* [*C.O.* 388, 79. *Nos.* 2–4.]

March 27.
Whitehall.

491. The Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following Commission, "that in the preparing of Instructions for the Governors of H.M. Colonies and Plantations in America, you may insert an Article prescribing to them (as they are enjoyned by the said Commission) to support his Lordship and his Commissarys in the exercise of their jurisdiction" *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. 27th, Read 28th March, 1727. 1 *p.* *Enclosed,*

491. i. H.M. Commission to the Bishop of London to exercise ecclesiastical jurisdiction in H.M. Colonies and Plantations in America *etc.* 9th Feb., 1727. *Cf.* A. P. C. III. *No.* 74. *Latin.* *Copy.* 9½ *pp.* [*C.O.* 323, 8. *Nos.* 68, 69; *and* (*Holograph,* 1 *p.*) 5, 4. *No.* 31.]

March 27.
Westminster.

492. H.M. Letters Patent appointing Alexander Henderson Attorney General of Jamaica, and revoking that of William Monk. *Copy.* *Countersigned,* Cocks. [*C.O.* 324, 49. *ff.* 46, 47.]

March 28.
St. James's.

493. Order of King in Council. Confirming Act of Antigua *for selling lands of Andrew Murray etc.* *Signed,* Edward Southwell. *Endorsed,* Recd. 3rd, Read 4th May, 1727. 1½ *pp.* [*C.O.* 152, 15. *ff.* 316, 316*v.*, 317*v.*]

1727.
March 28.
St. James's.

494. Order of King in Council. The Governors of Virginia and N. Carolina are to settle the boundary according to the proposal submitted. (*v.* C. S. P. Aug. 31, 1726 *and* A. P. C. III. *No.* 108.) *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 5, 1320. *ff.* 135, 136*v.*]

March 28.
St. James's.

495. Order of King in Council. Approving report of Committee, 22nd Feb., concerning the settlement of a salary upon Governors of New England, and ordering a letter to be written to Mr. Shute accordingly. *v.* 30th March, 1726. *Set out,* A. P. C. III. *pp.* 105, 106 *q.v.* *Signed,* Edward Southwell. *Endorsed,* Recd. 3rd, Read 4th May, 1727. 4¼ *pp.* [*C.O.* 5, 869. *ff.* 377–379, 380*v.*; *and* 5, 752. *No.* 35.]

March 29.
Whitehall.

496. Council of Trade and Plantations to the Duke of Newcastle. We have had under our consideration your Grace's letter of 13th Feb. *etc.* But we have since received the King's original Instructions to the Earl of Orkney from Colo. Spotswood. We propose to deliver them to Major Gooch, and we think they ought regularly to be given to every succeeding Lieut. Govr. unless any new Governor be appointed; in which case a new Commission and Instructions must be prepared. The Earl of Orkney's Commission as Governor of Virginia, having never been register'd there, his Lordsp. has promised that it shall also be delivered to the present Lt. Governor, in order to be entred in the Council books there, it being the only warrant for the President of the Council taking upon him the Governmt. in case of the death or absence of the Lieut. Governor. *Autograph signatures.* 2 *pp.* [*C.O.* 5, 1344. *No.* 3; *and* 5, 1365. *pp.* 312, 313.]

March 29.
Whitehall.

497. *Same* to the King. Col. Edmd. Jennings, late President of your Majesty's Council of Virginia, having been suspended from his said employment some time before Lt. Gov. Drysdale dyed; it being then the unanimous opinion of the Council that he was not capable of taking upon him the administration of the Govt. in case of the death or absence of the Lt. Govr., by reason of his great age and infirmities, and it being represented to us that he is wholly incapable of any business *etc.*, *recommend* appointment of John Custis in his room. [*C.O.* 5, 1365. *pp.* 313, 314.]

April 8.
Portsmouth,
New
England.

498. Lt. Governor Wentworth to the Council of Trade and Plantations. *Acknowledges* letters of 8th July, 1726 and 12th and 28th Feb., and 9th Nov. *Will shortly observe* commands in transmitting duplicates *etc.* *Continues*:—This Province has kept no record of the importation of negroes, not haveing any commerce with Affrica, we are supply'd from Barbadoes, Antigua and the Leeward Islands, and seldom with more than four or five in the space of a year, excepting the year 1718 about twenty men, women and children from Antigua. Boston, New York, and Rhoad Island, have of late years sent vessells to the coast of Africa, and bro't their slaves directly to their own ports. I judge here is not more, than one hundred and fiffty negroes and Indians in this province, but for the future shall take care that an exact acct. be kept, and sent to your Lordships *etc.* I come now to Mr. Fane's opinion on that Act relating the felling pine trees, within or without townships, wherein he argues hansomely, but not so fully and clearly as I could wish, for that Gentn. not being so well acquainted with the country, probably might imagine that the towns allready settled, were improved as the townships were in England, or as easily secured as Gentlemen's parks are, within inclosures, but if he were present his idea would be quite different, some of our towns are twelve or fourteen miles in length, and eight or ten in breadth, and not more than one eigth part improved, and the rest impassible, so that there is as much necessity to guard the old towns as the new, and outlands. As to the new towns lately granted to H.M. subjects, there is as full and as strong a reserve made to the Crown as can be, of all masts etc. refering to the Act of Parliament made for that end, and if the Surveyor dos his duty [? *they will*] be preserved. It is with much pleasure, that I can say, that when it was my province to inspect the King's woods, there was never before nor since so little waste made, and tho' it cost me considerable to support rideing and other officers, yet to this day I have not been allow'd one farthing, neither can I tell where to apply, but as I have faithfully served my King in it, I must be content if I have no other reward. I am humbly of opinion that the same penalty should be on the cutting pine trees, within, as without townships. Governr. Shute and myself were present at a tryall, in the Province of Main, when the Judges gave the case against the King, by reason the trees were cut within the townships, and without an Act of Parliament to make all trespasses on the King, in respect to cutting or felling any trees fitt for H.M. service, within or without townships, be made, that shall extend to all the Provinces on the Continent, and a faithfull officer appointed, and the lines settled between the provinces of the Massachusetts and New Hampshire, and that such trespasses shall be cognizable in the Court of Admiralty only, and not at the Common law, it will soon be too late to do anything on that head, for every thing that is valuable will be destroy'd. Mr. Burniston misaply'd, or misunderstood a perragraph in my letter, when I wrote him I should take care of the King's woods, and would have it that I intended the Province of New Hampshire and not in the Province of Main, whereas, the Surveyor never extended his authority there. In my letter of 17th March, 1725, I advised your Lordships of

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a shipload of masts that were cutting without the King's lycence, which I appriz'd the Surveyor of, *etc.*, and that I tho't it his duty to seize the mast, wch. was done, but not hearing anything of the event *etc.*, I sent for him to know how far he had proceeded in that matter, his answer was that the Judge Advocate at Boston, had advised him to quitt the seizure, and that he had advised home on the affair, takeing bond for being sent home, and tender'd to the Government. Some months affter this, a Memorial was laid before me by Mr. Samuel Waldo, agent for Mr. Gulston who has contracted with the Navy board, complaining of the neglect of the officers, in refuseing to do their duty, upon which I discoursed the Judge Advocate, who gave me from under his hand, that he was ready to discharge his duty as Advocate, provided Mr. Waldo gave him security to indemnify him, but that should not make a catt's paw of him, seeing there was a difference between Mr. Gulston the Contractor, and Messrs. Bayley and Haws the owners of these masts. I sent for the King's Attorney Generall of this Province, who gave me the same answer *etc.* I have wth. advice of H.M. Councill given orders that bond shall be given here for their being landed in England, tendering them to the Government as by Act of Parliment; considering the great armament H.M. has at sea, and the dayly expectation we are in of a war, and that it may be better determin'd at home than here, for if these masts had been bro't into the common law it is ten to one if they had not been clear'd, for the Jury will give such cases against the King, and then these masts wch. now may serve the Crown, might probably been sent to some forreign Prince *etc.* P.S. I have furnished Mr. Newman with everything we can relating the lines *etc.* *Signed*, Jno. Wentworth. *Endorsed*, Recd. 3rd, Read 28th June, 1727. 3 *pp.* *Enclosed*,

498. i. *Petition of* Samuel Waldo to Lt. Governor Wentworth, *referred to in preceding. Prays that* the masts, gotten without the royal licence, may be seised and the Attorney General instructed to prosecute. *Signed*, Sa. Waldo. *Copy.* 2 *pp.*

498. ii. Minute of Council of New Hampshire, 3rd April, 1727. Examination of Mr. Armstrong, Depty. Surveyor, and Mr. Phipps, Attorney General, *referred to above. Endorsed*, Recd. 1st June, 1727. *Copy.* 2 *pp.* [*C.O.* 5, 869. *ff.* 448–451*v.*]

April 6.
Whitehall.

499. Mr. Popple to Mr. Carkesse. Again presses for reply to 7th March, "that Mr. Calvert who at present waits for nothing else may be forthwith despatched." [*C.O.* 324, 11. *pp.* 39, 40.]

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April 8.
Custom ho., London.

500. Mr. Carkesse to Mr. Popple. Returns draft of Instructions for the Deputy Governor of Maryland with suggestions by the Commissioners of Customs. They desire "that an Instruction may be given to the Deputy Governors of the Proprietary Colonys for excusing the Officers of the Customs from serving on juries or personally appearing in arms, as is done to Governors of H.M. Colonys immediately depending on the Crown" *etc.* *Requests* copy of final Instructions. *Signed,* Cha. Carkesse. *Endorsed,* Recd. 10th, Read 11th April, 1727. 1 *p.* *Enclosed,*

500. i. Draft of Instructions for Depty. Governor Calvert, with alterations and additions proposed by H.M. Commissioners of Customs. 7⅛ *pp.*

500. ii, iii. Orders of King in Council, Oct. 2, 1721, 14th June, 1722; Rules proposed for granting Mediterranean passes, and forms of certificates, and bonds for British and foreign ships *etc.* *Printed.* 21 *pp.* [*C.O.* 5, 1266. *ff.* 229–232, 233–234*v.*, 236–244, 245, 246*v.*]

April 8.

501. A. D. to Lord Townsend. A new Governour is going to Maryland an educated R. Catholick. Jesuits goes over their annually, and they have places there much in ye nature of convents, and by reason of ye little care of ye choice of ministers and church discipline ye R. C. increases and spreads not only over at that province but the neighbouring provinces. The new Governour has made choice of and is going over to his governmt. with a R. C. comander. in that province al criminal causes and others where ye King is mention'd in our courts, are mention'd and try'd there in ye name of ye Ld. proprietor, which is said is assuming a sovereigne power *etc.* R. C. have been deem'd subjects to a foreigne power and by instruction of their preists and principles wil be in ye interest of a R. C. prince and in ye neighbouring province Pensilvania ye Collector, Secretary, and some of ye Council was formerly reputed in ye interests of ye pretender *etc.* If our affairs at home should be imbarrass'd a great defection may be fear'd from those parts, which would give a great interruption to trade and a great diversion to the force of great Brittain. The late Governor Hart had warm contests with ye R. C. insomuch that by an Agent in London the Spanish Ambassador was sollicited for lands in the Spanish West Indies for 'em to settle and retire to with there effects, in case Mr. Hart continued Governr. or did further oppose them, and they were answered that they should have lands assign'd them and al imaginable incouragements. If by their leaders they could be spirited up to leave their settlemts. for what they could get for them what would they not undertake and even by a Spanish power to support there present settlemts. whenever a proper juncture offers and in ye neighbouring provinces there is a great number of dis-

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affected persons that only waits an oppertunity to shew them selves when any likely support to ye cause can appear. You may remember a great many of ye late rebels was sent there, many of which are supported and caress'd. The year after ye So. Sea scheem ye Jesuits in Maryland sollicited for many to improve their interest and settlement here and elsewhere, but was answered that they had been great sufferers in 1720, and could not than assist them. I lay this before you for the sake of my country *etc.* *Signed*, A. D. *Addressed* To the Right Honorable the Ld. Townsend at ye Cockpit Whitehall. 2 *pp.* [*C.O.* 5, 721. *No.* 19.]

April 10.
St. James's.

502. The King to Governor Shute. You are to acquaint the Councils and Assemblies of Massachusetts Bay and New Hampshire to establish a fixed salary for Our Governor *etc.*, *verbatim as proposed* 22nd Feb. *v.* A. P. C. III, *p.* 106. *Concludes* :—If they shall not pay a due and immediate regard to Our Royal will and pleasure hereby signified, we shall look upon it as a manifest mark of their undutifull behaviour to us, and such as may require the consideration of the Legislature in what manner the honour and dignity of Our Government ought to be supported in those Our provinces for the future. *Countersigned*, Holles Newcastle. [*C.O.* 324, 35. *pp.* 323–326.]

April 10.
St. Christophers.

503. Governor Hart to the Council of Trade and Plantations. *Encloses* duplicates of 15th Feb. and 5th March. *Refers to* enclosed lists of negroes imported, and to letter sent to the Governor of St. Domingo to reclaim the vessels taken at Sta. Cruz. (*v.* 5th March) *etc.*, " which is inclosed and submitted to your Lordships whether, either for matter or stile, it ought to have been receiv'd with that contempt as is mention'd in Capt. Bardin's letter. Capt. Bardin was bred to the sea, and has never commanded a better vessel than what he lately lost by the Spaniards, yet as I found him a man of sense, (and also interested in the affair) I thought him a proper person to send to the Governor " *etc.* Indeed he has more than answered my expectations *etc.* I find his answers so pertinent, his remarks so just, and his offers so generous to sacrifice his liberty for the publick good, that I shou'd be wanting in justice to the poor man's charracter, if I did not transmit his letter *etc.*, and pray your Lordships leave to be refer'd thereto, for what is expected from the Spanish justice *etc.* I have also a letter from the Governor of St. Domingo in answer to mine with a copy of the proceedings of the Courts of Justice there *etc.* But I am so unfortunate not to have one person in these Islands that can translate it from the Spanish language, and shall be obliged to send them to St. Eustatia to get them translated *etc.* In the mean time for your Lordships' better information of the proceedings of the Spaniards with relation to taking, and making prize of all vessels they can overpower, which belong to H.M. subjects I inclose the original letter from Mr. Robert Galbraith who resides, as a Factor for the Royal Assiento Company, at St. Domingo, *etc.*, as a further instance of Spanish justice and amity to the British Nation *etc.* *Encloses* Lt. Governor Byam's reply (*v.* 5th March and encl. vi). *Continues :*—I was greatly surpriz'd to find the Council of Antegoa were neither of opinion that the Spanish effects (*belonging to the ship lately lost at Barbuda*) might be detain'd either in the hands of the Surveyor General of the Customs, or in the manner propos'd in my letter, at least till the return of the vessel I had sent to St. Domingo *etc.* On this information I immediately repair'd to Antegoa, and on my arrival there was inform'd by Mr. Dunbar Surveyor General of the Customs, that he had secur'd in the Custom house, all the effects he could find belonging to the said Spaniards for a breach of the Acts of Trade, for that the said Spanish Captain upon his being run on shore at Barbuda, had set fire to his ship, and burnt her, and that he had dispos'd of several valuable parcels of his cargoe, of which he had never render'd him any account as an Officer of the Customs. And had purchas'd a ship, late belonging to one Captain Green, reputed the best sailer in the West Indies ; and capable of mounting twenty guns (which wou'd have been of dangerous consequence at this time) in order to transport himself, his effects, and the fifty Spaniards his late crew, to the Island of Porto Rico. Mr. Dunbar likewise inform'd me that the said Spanish Captain and super cargoe had chang'd all their peices of eight (which it is said amounted to 80000) for French and Spanish pistoles and other gold coin, for which they gave a price beyond the intrinsick value ; and that he had in the Custom house abt. seventy or eighty thousand weight of cocoa, and 7,300 peices of eight. I told Mr. Dunbar that he best knew how far they had offended against the laws, and which must be try'd at a Court of Admiralty ; But that I was of opinion that it wou'd be more for H.M. service, if these effects were detain'd by the advice of Council untill H.M. pleasure was known, considering the great losses his subjects had lately sustain'd at Sta. Cruz. Mr. Dunbar answer'd that he had the advice of the Attorney General for what he had done ; But since I resolv'd to advise with the Council, he wou'd readily submit to what was thought most proper for H.M. service. I met the Council of Antegoa, and desir'd they wou'd again take into their consideration the letter I wrote to Governor Byam *etc.*, and laid before them H.M. 98th Instruction *etc.* Which in my opinion with their advice and consent was a sufficient authority to detain these effects, till I had advice from the Governor of St. Domingo, whether or not he wou'd restore the vessels taken at Sta. Cruz. I urg'd to them that in my opinion, from H.M. late Speech to His Parliament, a war was unavoid-

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able. I likewise laid before them the advice I had receiv'd from Captain Delgarno Commander of H.M.S. *Southsea Castle*, that the war was actually begun by the seige of Gibralter; From which in all probability, there was but little reason to hope the Governor of St. Domingo, wou'd restore the vessels aforesaid; and that unless these effects were detain'd, I cou'd not see how the sufferers at Sta. Cruz cou'd be reimburst for the damages sustain'd there by the Spaniards. I likewise endeavour'd to show them the difference between a seizure and detainure, and that as to the last, none of the effects detain'd cou'd be dispos'd of, untill H.M. pleasure, ratifying the same, was known. I also acquainted them, that I had given my word of honour to the Governor of St. Domingo that in case the vessels, cargoes etc., taken at Sta. Cruz, and now in his possession, were return'd, I wou'd then restore all the Spanish effects *etc.* aforesaid. And I hop'd they wou'd think it reasonable that the said effects shou'd be detain'd untill I had an answer from the aforesaid Spanish Governor: and unless this was done I cou'd not help observing to them, that it wou'd be showing a very great indulgence to the Spaniards, who acted as enemies against us: and wou'd be very unfortunate to our fellow subjects, the sufferers at Sta. Cruz. But notwithstanding all I had represented, I found a majority of the Council resolv'd to persist in their former opinion, that the said Spanish effects ought to be restor'd to the Captain, that he might have liberty to depart when he pleas'd. Upon this I order'd another meeting of the Council the 5th of April, which I did rather to stand justified in your Lordships opinion on my conduct in this affair, than from any expectations I had, that the Council wou'd, in any degree, alter their former resolutions, whatever I might have further to offer. The proceedings of that day in the inclos'd Minnits are humbly laid before your Lordships, for your judgement on the queries I then gave in writing to the Council, and their answers thereto. The result of which, was that the Spaniards aforemention'd, might have liberty to transport themselves, and their effects where they pleas'd. As I cannot find that I have any power to detain the Spanish effects without the advice and consent of the Council, so I am oblig'd to acquiesce in their opinions; tho' with greif of heart, if there was no other reason for it, but that whilst I have the honour to remain as H.M. Governor here, I have the mortification to see the Spaniards captivate and spoil his subjects, even within the limitts of my Government, without redress; yet when Providence has put the means of reperation in H.M. power, that we shou'd be so much wanting to ourselves not to detain them till His Royal pleasure was known, which in my humble opinion is agreeable to the sense of my 98th Instruction, and the provission made therein against such unforeseen events. But is all humbly submitted to your Lordships' superiour judgment. I am now to acquaint your Lordships of an unhappy effect the not detaining this money has had on the trade of Antegoa; which is, that the Spanish Master and others, merchants and supercargoes of the ship lost at Barbuda, have exchang'd their silver for gold, at the rate of 5 ps. of eight for a pistole, and have privately sent away the gold, and the British subjects have sent the silver for England; so that the Island is left with very little current cash for the markett *etc.* Mr. Dunbar has signified to me by letter, that he has been advis'd by the Attorney General here, since the Council wou'd not interfere, to detain the aforemention'd Spanish effects in his custody, in the Custom house of Antegoa, on advice that the war is actually commenc'd at Gibralter; and that he has given an account of his proceedings to the Right Honourable the Lords Commissioners of the Treasury and the Commissioners of the Customs; and is resolv'd so to detain them, untill he shall receive their Lordships, or the Commissioners commands and directions thereon. I beg leave to observe to your Lordships that Mr. Dunbar has put this matter into a channel out of my province, since all that I have to do with the Officers of the Customs, (being under the immediate direction of the Lords of the Treasury) is to give them protection in the due execution of their offices. But in justice to Mr. Dunbar, I cannot help (with great submission) observing to your Lordships that he has acted in this affair with great zeal and vigour for H.M. service, and hope he will find that approbation from his Principles in my humble opinion he deserves. My Lords, I take it to be my duty, humbly to represent to your Lordships the unhappy situation the trade of the Leeward Islands is in from the proceedings of the Spaniards, even before a war is declar'd; and am now to lay before your Lordships how much they are expos'd in time of war. There is no harbours in the Islands of St. Christophers, Nevis, and Mountserrat, so that the ships trading hither anchor in roads open to the sea; and are expos'd to the privateers of Porto Rico, who can come from thence in two days to St. Christophers, and cut out any of the ships in the night time, notwithstanding the defence expected from the adjacent forts and battaries; as was practiced in the last war with Spain. I am inform'd that the Spaniards are now building an eighty gun ship, and several of a less rate at the Havana; and in order to fit them out sent up two large sloops, well man'd to St. Eustatia belonging to the Dutch West India Company, situated within two leagues of St. Christophers; where this last week these Spaniards purchas'd from the Governor of St. Eustatia, rigging for the aforesaid men of war, powder, and a great quantity of other warlike stores. And also purchas'd two very large sloops from one Dunker there, capable of carrying 100 men, and 10 guns each. I am further inform'd that the Spaniards are fitting privateers in several other ports,

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and that they have several English sailers, who are acquainted with the coasts in the West Indies; and am apprehensive will soon do great damage to our trade, especially if some provission is not made for reprisalls, of which your Lordships are the best judges. Captain Delgarno, Commander of H.M.S. *Southsea Castle* of 40 guns, is an excellent and diligent Officer; and has shew'd himself so ready to do H.M. service in his station here, that there is nothing wanting on his part: But I am humbly of opinion if there are so many privateers fitted out as is reported, there will be occasion for another ship of war, of 20 guns, to protect the trade of these Islands; and the ships bound for Jamaica, who all come into this latitude in their way thither; and I submit it to your Lordships whether this is not a matter proper to be represented to the Lords Commissioners of the Admiralty. Your Lordships may please to observe in the Minnits of the Council of Antegoa of the 2nd of March, that the Secretary and Marshal were order'd to demand the letters from the Spanish Captain in his custody, and that they shou'd be lodged in the Secretary's Office. I am to inform your Lordships (that notwithstanding the opinion of the Council to deliver up the Spanish effects) I believ'd it for H.M. service, and for your Lordships information of the Spanish trade in the West Indies, on certain advice hostilities were begun at Gibralter, to secure those letters, which I have done, and now send them to your Lordships unopen'd by me, in a bag as I receiv'd them from the Secretary of Antegoa. On this occasion I beg leave to acquaint your Lordships that I advis'd with Mr. Bumpsted, Inspector General for the Royal Assiento Company, who was then at Antegoa with the *Royal George etc.* (*v.* 30th Nov. 1726), who assur'd me that Admiral Hosier had open'd all the letters that came into his hands; which I thought was a sufficient authority for me, especially after an infraction of the Peace *etc.* I have not met with any person, who can give your Lordships a more exact account of the Spanish West Indies, both as to their government and trade: and who is better acquainted in the affairs of H.M. Plantations than *Mr. Bumpsted* is, *etc.* *Refers them to* him for an account of the Spanish ship lost at Barbuda *etc.* *Encloses* a levy Act of Montserrat, laying 8*s.* 6*d.* pr. pole on the inhabitants for defraying the public debts; which is the only tax has been rais'd for three years, and a levy Act for Antegoa. *Continues:* —As there is no duty laid that may affect the trade of Great Britain, I shall not give your Lordships the trouble of making any observations upon it. I am sorry to acquaint your Lordships that the Islands of Antegoa and Nevis are so much afflicted with excessive dry weather, as not only to "prejudice their crops more than one half for this year, but will also greatly affect the growth of their canes for the year to come." *Proposes* to make use of H.M. royal license to return for England by the

1st of June *etc. and hopes* to be able to render such an account of his administration as may find their approbation *etc.* P.S. Mr. Mann has been spoken to and wrote to several times for a duplicate of the list of negroes imported here *etc. Signed,* Jo. Hart. *Endorsed,* Recd. Read 14th July, 1727. 10 *pp. Enclosed,*

503. i. Governor Hart to Don Francisco La Rocha Ferrer, Governor of St. Domingo. St. Christophers, 6th March, 1727. The capture of seven English sloops and crews at Sta. Cruz (*v.* 5th March) by Capt. Juan de Messa on said Governor's Commission cannot but be looked upon as an infraction of the Peace, unless restitution be made. His Britannick Majesty has a considerable fleet in the West Indies, but no act of hostility has yet been done by his Admiral *etc.* A Spanish sloop has lately been lost on Barbuda, commanded by Don Peter Nava *etc.*, whose goods have been inventoried and put in the Custom house, and he and his crew have the liberty of the Island *etc. Signed,* John Hart. *Same endorsement. Addressed.* 4 *pp.*

503. ii. Richard Bardin to Governor Hart. St. Domingo, 8th April, 1727. I carried your Excellency's letter and papers (*No.* i) to the President, who received them with scorn *etc.* When it was realised what a valuable pledge we hold, their attitude altered. The President is naturally of a good temper, but surrounded by a pack of indigent wretches, and weak. The privateers have not only ruined our vessels but are fitting out again and publickly proclaim they will take all they find and never suffer any one again to come and make complaints, for they'll murder and destroy all they meet, and that if I here recover damage I shall never carry it away *etc.* As I have great expectation of recovering the whole in about 6 weeks, I shall be utterly at a loss which way to bring it away, but submit it to your Excellency. For my person I desire no care may be taken if war is proclaimed because 'tis probable I may escape thro' the woods to the French Colonies. The President evades giving me a direct answer, and delays me in hopes of hearing war proclaimed, when it will be in his power to hinder the otherwise inevitable ruin of his favourite. It is more than probable the President himself is concerned with these bloody villains who openly violate all laws *etc. Acknowledges* the assistance of Mr. Galbraith in this affair *etc. Signed,* Rd. Bardin. *Same endorsement.* 7 *pp.*

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503. iii. Inventory of losses in the vessels taken at Sta. Cruz, sworn before the President at St. Domingo, 25th March. *Total*, 24,943 p. $\frac{8}{8}$, 6 rlls. $3\frac{3}{4}$ *pp.*

503. iv. (*a*) Petition of Capt. Bardin to the President of St. Domingo, 15th March. In pursuance of the letter *etc.* of Governor Hart, *No.* i, asks for an order for delivering of the vessels and cargoes *etc.* taken at Sta. Cruz *etc.* *Signed*, Rd. Bardin.

(*b*) Reply to preceding. The case is at present sub judice and the President cannot therefore give such an order as is desired. Capt. Bardin may remain in the city to prosecute their defence or leave powers of attorney *etc.*

(*c*) Capt. Bardin to the President of St. Domingo. Asks and obtains permission to dispatch a sloop to inform Governor Hart of the present state of affairs. *Enclosed in No.* ii. *Endorsed*, Recd., Read 14th July, 1727. $2\frac{3}{4}$ *pp.*

503. v. Robert Galbraith to Governor Hart. St. Domingo, 7th April, 1727. *Refers* to Capt. Bardin's mission *etc.* "which had not your Excellency detained the effects of the ship lost at Barbuda would have availed nothing, haveing daily instances of their bringing in vessells from all parts and condeming them without alowing any defence," *etc.* *From several instances selects* "the title they have to the two privateers with which they are daily plundering their neighbours. The sloops belonged to Boston and bound to Jamaica when taken (by a galley built in this River) on the N. side of this Island loaded with pine boards shingles salt fish etc. and brought in here one with the mate and some of the hands, the other without any of her people. The mate of the one attempted the defence of the vessell he belonged to, but was put in prison by the owners of the privateers, and threatned to be kept there unless he would renounce his right to his vessell. However the President took another way with him offering him if he would find security for the damadges the privateers sustained in the prizes dureing the suite he would allow him to plead for her, which here they knew was not to be had unless they would have accepted of me but that they refused, as also my defending the other and so remain with them both. Thus would they have done with those taken at Sta. Cruz had not your Excellency's stopping the shipp as aforesaid prevented it, there's now here a small Tortola sloop brot. in by the same privateers that was returning from Curaçao where they had sold a few yams, potatoes and Indian corn the produce of

which was what they tooke on board her near the Po. Rico shore. Altho' the poor man did not so much as designe to trade they have without condeming her sold the sloop and cargoe, by those proceedings your Excellencey may see what kind of Government wee live under. I have been a very considerable sufferer by these robbers *etc.* Quotes his own case *etc.* *Signed,* Robt. Galbraith. *Endorsed as preceding.* 9 *small pp.*

503. vi. Minutes of Council of Antegoa, 2nd March, 1727. In reply to Governor Hart's letter and queries, the Council resolved that, since he is absolutely restrained by his Instructions from making reprisals on the subjects of any foreign Potentate in time of peace, *etc.* and there being no advice of any declaration of war against Spain, the effects of or persons belonging to the Spanish ship which lately came on shore at Barbuda ought not to be detained. *Same endorsement.* *Copy.* 7½ *pp.*

503. vii. H.M. 98th Instruction to Governor Hart. *Same endorsement.* *Copy.* ½ *p.*

503. viii. Minutes of Council of Antigua, 5th April, 1727, relating to the Spanish ship at Barbuda *etc. v. covering letter.* *Same endorsement.* 9 *pp.*

503. ix. List of negroes imported into Nevis, 20th Dec., 1721–1726. *Totals,* 1267 negroes, by 13 ships belonging to Separate Traders. *Same endorsement.* 1 *p.*

503. x. List of negroes imported into Montserrat, 25th Dec., 1720–1726. *Totals,* 1776 negroes, by 10 ships belonging to Separate Traders, and two to the Royal African Company. *Same endorsement.* 1 *p.* [*C.O.* 152, 15. *ff.* 355–359*v.*, 360*v.*, 361*v.*–368, 369–382, 383*v.*, 385–392.]

April 11. Whitehall. **504.** Duke of Newcastle to Lt. Governor Dummer. Encloses following, *q.v.* *Continues* :—In order to prevent the many inconveniencies, wch. may attend H.M. service, and the trade of his subjects in that Province, I am commanded to signify to you H.M. pleasure, that you should use your utmost endeavours to put an effectual stop to these proceedings of the General Assembly, both against the Judge and other Officers of the Vice Admiralty Court, and the Officers of the Customs, and those likewise who have signed any memorials or representations in their behalf. It is not H.M. intention, that any of the said officers should pass with impunity upon any manifest neglect or failure in their duty, but in that case, where there is just cause against them, you are (as you are directed by H.M. Instructions to the Governor) to represent the same to H.M. and the Lords Commissioners for Trade and

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Plantations, whereupon the matter will undergo a due examination in the proper Offices, and H.M. pleasure will be signified accordingly. *Signed,* Holles Newcastle. *Annexed,*

504. i. Lords Commissioners of the Admiralty to the Duke of Newcastle. Admiralty Office, 5th April, 1727. Col. Shute, Governor of New England, having delivered into this Office a copy of the votes of the House of Representatives there, by which a Committee was appointed to discover what persons signed the memorial to this Board, and another to the Commissioners of H.M. Customs, relating to the interruptions the Officers of the Vice-Admiralty receive from the provincial Judges, in the due and legal execution of their office, by their issuing protestations against the decrees of the Judge of the said Court; and of the report which the said Committee have made upon their examining thereinto; the further consideration whereof the Council in New England have referred to the sessions in May next, we send your Grace copies of the aforesaid vote *etc.*, which we desire your Grace will please to communicate to H.M., and that you will move H.M. that such orders may be forthwith sent to the Commander in Chief of the said Government of New England, as may effectually put a stop to all such proceedings of the General Assembly against the Judge, and other officers of the Vice-Admiralty Court, and those who signed with them the aforesaid memorials, and that the aforesaid officers may be permitted to proceed in the due and legal execution of their employments, since otherwise it may occasion not only a total stop to all Admiralty proceedings there, but be very prejudicial to H.M. Revenue, as the Commissioners of the Customs alledge, and to H.M. maritime subjects. And that if there shall be any just cause of complaint against the proceedings of the said Officers of the Vice Admiralty, the same may be transmitted to England, that so they may be examined into. *Signed,* Berkeley, Jo. Cokburne, W. Chetwynd.

504. ii. Vote of the House of Representatives of the Massachusetts Bay, 2nd Jan., 1726(7), appointing a Committee to discover what persons have signed the memorial mentioned in Mr. Agent Dummer's letter, 10th Sept., 1726. The Council concurred and appointed members for said Committee.

504. iii. Report of said Committee, naming signatories.

504. iv. Vote of Council and Representatives, Jan. 5, 1727, referring above report till May Session *etc.* [*C.O.* 324, 35. *pp.* 319–322.]

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Whitehall.

505. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* copy of Mr. Ayscough's letter, 26th Jan., to be laid before H.M., "it being necessary that some imediate directions be given thereupon." [*C.O.* 138, 17. *pp.* 134, 135.]

April 12.
Boston.

506. Lt. Governor Dummer to the Council of Trade and Plantations. *Replies* to letters of 9th Nov. 1726 and 18th Feb. 1727. The proposal made by this Govermt. to the Government of N. Hampshire to joyne Commissrs. wth. them for an amicable determination of the matter in difference respecting the line being wholly rejected by that Governmt. (*v. encl.* i.), the Generl. Assembly of this Province have addressed H.M. for His Royal determination thereon and have instructed their Agent to prsue. the matter to an issue of which your Ldships. are without doubt fully inform'd *etc.* I shall carefully observe *instructions as to bills of credit*, 18*th Feb.* *Signed*, Wm. Dummer. *Endorsed*, Recd. 3rd, Read 8th June, 1727. 1½ *pp.* *Enclosed*,

506. i. Vote of the House of Representatives of New Hampshire, 1st Dec., 1726. Reject proposal from the Massachusetts Bay to appoint Boundary Commissioners, that having been done in vain already several times, and the matter being now before H.M. in Council. *Endorsed*, Recd. 1st Jan., 1727. *Copy*. 1 *p.* [*C.O.* 5, 869. *ff.* 407–409, 410*v*.]

April 14.
Whitehall.

507. Council of Trade and Plantations to the King. Lt. Governor Calvert having given the required security (8th Feb. *etc.*), *enclose* draught of Instructions for H.M. signature to Lord Baltemore relating to the Acts of Trade. *Continue*:—As we have made some variations from those instructions which were formerly given to the Proprietary Governors, we take leave to acquaint your Majesty therewith vizt., In the 5th Article, in order to prevent the counterfeiting of certificates about landing Plantation goods in this Kingdom, we have inserted a clause by which Mr. Calvert is inform'd that all such certificates will be signed by four of your Majesty's Commissioners of the Customs in London or Edingbrough respectively; and have added a clause in the 18th Article, from an Act passed in the 19th year of your Majty.'s reign, to prevent the importation of stripp'd tobacco. We have likewise added the 22nd and 23rd articles, to prevent the Officers of the Customs from being interrupted in their duties, by serving on juries, in the Militia or parochial offices; and for the more ready supplying the vacancies that may happen in such offices, during the absence of the respective Surveyors General of your Majesty's Customs in America. *Annexed*,

507. i. Instructions for Lord Baltimore referred to in preceding. [*C.O.* 5, 1293. *pp.* 416–455.]

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[April 15]. **508.** Governor Nicholson to the Council of Trade and Plantations. *Prays* to be heard against the Act of Virginia *laying a duty upon liquors imported.* The said Act enacts that an additional 1*d.* pr. gallon be laid for 21 years and that £200 pr. annum out of it be appropriated for the releif of the College of William and Mary and paid half yearly to the surviving Trustees until transferred to the President and Masters and after such transfer then to the President and Master(s) for supporting the full number of masters *etc.*, and if there should be no trustee residing in this country before such transfer then the £200 is to be paid to the Visitors and Governors of the College *etc.* As one of the surviving Trustees, Memorialist opposes said Act as making provisions for establishing the full number of professors in a manner directly opposite to that prescribed by the Charter. The £200 in the shape it is given will greatly prejudice the true interest of the College *etc.* The Act is also contrary to the Governor's Instructions *etc.* *Endorsed,* Recd. 15th, Read 18th April, 1727. 1¼ *pp.* [*C.O.* 5, 1320. *ff.* 125, 125*v.*, 126*v.*]

April 18.
Barbados. **509.** Governor Worsley to the Duke of Newcastle. The *Princess Amelia* Capt. John Misenor Commander arrived here the 3d. instant from the East Indies when according to my 21st Instruction in relation to trade, I sent the Custom House Officers on board with such orders as H.M. commanded me to give them in the like case *etc.* *Encloses* copy, and reasons given that obliged the Captain to bare away for this Island, which was on account of a leak *etc.* *Continues :*—And whereas the Captn. gave only an account of 2,228 bales of coffee, and 6 casks of aloes, tho' I am very well informed that there is a very considerable cargo besides ; and to prevent her trading here, I issued a Proclamation promising a reward of £200 to any one, who should give me inform of her breaking bulk, selling or disposing of any of her goods *etc.* Upon this the Captn. and supra-cargo prefer'd to me a petition praying leave to take out so much of the said ship's cargo of coffee, as might so far lighten her, as to enable workmen to come at the said leak, and to the said petition joyned the deposition of the three mates, carpenter and boatswain *etc.*, and of two carpenters belonging to H.M.S. the *Berwick* and *Lenox,* which came in here the day after the Indiaman, and are now sailed in order to joyn Admiral Hosier ; Capt. Dent, the Commander of the *Lenox* told me, that three of the sailers that belonged to the said Indiaman, were on board of him, and had said that their said leak was not so considerable, but that they were willing to proceed with the said ship to England. Wherefore I sent the judge of the Admiralty on board to take their depositions *etc. v. enclosures.* *Continues :*—And indeed by the best information I can get, tho' she has been here above a fortnight, the leak is not very

dangerous for in two or three minutes in half an hour they can pump her dry. The Capt. and supra-cargo made a representation to Mr. Lascells the Collector of H.M. Customs here, word for word the same as they made in their petition to me (*v. supra*), and that the coffee so taken out might be put on board some vessel in Carlisle Bay, to be hired by them for that purpose, and there to be kept under the custody of the Officers of the Customs here, until the said leak should be stopt, and then to be reloaden on the said ship *Amelia*; which representation Mr. Lascelles having laid before H.M. Attorney General here, he was of opinion that my Instruction in relation to the not giving any aid relief etc. to any ship, or ships arriving here from the East Indias, which have any goods *etc.* of the East Indias on board, tho' she should be in distress, danger of sinking, or upon any other reason or pretence; cannot be extended to the ships belonging to the British East India Company, and that the bare moving any of the goods or commodities out of the said ship into any vessel, provided the said goods or commodities be there under the custody of the Custom house officers, cannot be deemed an illegal importation, or breaking bulk; which Mr. Lascelles having represented to me in a memorial, desiring my directions or approbation to persue the opinion of the Attorney General; I directed him that in pursuance of the Attorney General's opinion, he might suffer the said Capt. to procure a vessel to lye alongside of the East India ship to receive from her (in the presence of a sufficient number of Custom House officers) so many bales of coffee *as requested etc. etc.* And as I was informed there was a considerable quantity of other goods on board the said ship, which the said Captn. reported to him to be the contents of his cargo, that he should take particular care, that no other goods whatsoever should be removed from the said ship to the other vessel, or out of the said ship, but the coffee, and no more of that than what should be necessary to lighten the said ship to come at her leak as aforesaid; and that he should not take, have, or receive, nor permit or suffer any person to take, have, or receive any East India commodities in payment of any charges the said Captn. might be at etc.; and that as H.M. had so strictly charged me, under the most severe penaltys, that the laws in this case made and provided should be put in execution with the greatest care, diligence and application, he should take especial care to keep a sufficient number of officers on board the *Princess Amelia*, as well as the ship the Captain might hire, *etc.*, to prevent any illegal proceedings *etc.* *Refers to enclosures. Continues*:—I shall use my utmost endeavours to prevent any unlawfull trade, that the officers and sailors of this ship may here attempt *etc.* *Signed*, Henry Worsley. *Endorsed*, Rd. June 9th. 8 *pp.* *Enclosed*,

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509. i. Governor Worsley to Henry Lascell(e)s. 3rd April, 1727. *Directs him* to inspect the East Indiaman, *Princess Amelia*, and not to allow her to land any goods, but to give notice to the Commander to depart without giving him any relief *etc.* *Signed*, Hen. Worsley. *Copy.* 1 *p.*

509. ii. Mr. Lascelles to Governor Worsley. 4th April, 1727. The Captain states the cargo *as in covering letter*, and he, his officers and all his people declared that unless they could have liberty to stop her leaks and refit, they must quit the said ship *etc.* *Signed*, Hen. Lascelles. *Copy.* $1\frac{1}{2}$ *pp.*

509. iii. Consultation of the Super-cargo, Captain, three mates, boatswain and carpenter of the *Princess Amelia* 17th March, 172$\frac{6}{7}$. Owing to a dangerous leak, the only way to save the ship is to bear away for Barbados *etc.* *Signed*, Fras. Everest, John Misener, Phin. Frognall, Charles Windebank, Robert Thompson, Wm. Potter, John Lee. *Copy.* $1\frac{3}{4}$ *pp.*

509. iv. Proclamation by Governor Worsley. 6th April, 1727. Offers £200 reward for information of said ship breaking bulk *etc. v.* covering letter. *Signed*, Henry Worsley. *Copy.* 1 *p.*

509. v. Capt. Misener and Mr. Everest to Governor Worsley. Petition for leave to lighten the ship. *Described in covering letter.* *Signed*, Fra. Everest, John Misener. *Copy.* $3\frac{3}{4}$ *pp.*

509. vi. Deposition of the three mates, boatswain and carpenter of the *Princess Amelia*, as to the dangerous nature of the leak, and that the ship must be lightened in order to stop it. 8th April, 1727. *Signed*, Phineas Frognall, Charles Windebank, Robert Thompson, John Lee, William Potter. *Copy.* $2\frac{3}{4}$ *pp.*

509. vii. Petition of the three mates of the *Princess Amelia* to [? *Capt. Misener*] 17th March, 1727. Ask him to hold a consultation as to what is to be done in their present dangerous condition. *Signed*, Phineas Frognall, Charles Windebank, Robert Thompson. *Copy.* $\frac{3}{4}$ *p.*

509. viii. Duplicate of *No.* iii.

509. ix. Deposition of William Story, carpenter of H.M.S. *Berwick*. 7th April, 1727. *Corroborates No.* vi. *Signed*, Willm. Story. *Copy.* 1 *p.*

509. x. Deposition of William Wye, carpenter of H.M.S. *Lenox*. 8th April, 1727. *Corroborates No.* vi. *Signed*, William Wye. *Copy.* $\frac{3}{4}$ *p.*

509. xi. Deposition of Robert Ottaway, mariner. 13th April, 1727. The *Princess Amelia* makes no more

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water than she did, and deponent would venture to go in her to Great Britain as she is *etc.* *Signed,* Robert Ottaway. *Copy.* 1 *p.*

509. xii. Deposition of Robert Jones. 13th April, 1727. *Agrees with preceding.* *Signed,* Robert Jones, his mark. *Copy.* ½ *p.*

509. xiii. Deposition of John Gascoin, mariner. 13th April, 1727. *Confirms preceding.* *Signed,* John Gascoin, his mark. *Copy.* ¾ *p.*

509. xiv. Mr. Everest and Capt. Misener to Mr. Lascelles. 11th April, 1727. Petition for lightening the *Princess Amelia* in order to stop her leak, *as described in covering letter.* *Signed,* Fras. Everest, John Misener. *Copy.* 3¾ *pp.*

509. xv. Jonathan Blenman, Attorney General of Barbados to Mr. Lascelles. April 15, 1727. *v. covering letter.* *Signed,* J. Blenman. *Copy.* 2¾ *pp.*

509. xvi. Mr. Lascelles to Governor Worsley. Asks for H.E.'s directions upon preceding. *Signed,* Henry Lascelles. *Copy.* 3 *pp.*

509. xvii. Governor Worsley to Henry Lascelles. 17th April, 1727. Order upon preceding. Described in covering letter. *Signed,* Hen. Worsley. *Copy.* 2 *pp.*

509. xviii. Petition of 13 sailors of the *Princess Amelia* to Governor Worsley. Petitioners would willingly have proceeded to England. They have had very barbarous usage for 30 months, and pray H.E. assistance for the security of their wages *etc.* *Thirteen signatures.* *Copy.* 1 *p.* [*C.O.* 28, 44. *Nos.* 108, 108 i–xviii.]

April 18. Barbados. **510.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed,* Henry Worsley. *Endorsed,* Recd. 5th, Read 20th June, 1727. 8 *pp.* *Enclosed,*

510. i–xviii. Duplicates of enclosures preceding *Nos.* i–vii, ix–xviii (iii *bis*). *The whole endorsed as covering letter.* [*C.O.* 28, 18. *ff.* 356–359*v.*, 360*v.*–365, 366, 367–368, 369–370, 371, 372–376, 377–379*v.*, 380*v.*–383, 384, 384*v.*, 385*v.*]

[April 19]. **511.** Proceedings of Court of Chancery, Barbados, March 22—April 19, 1727. 4 *pp.* [*C.O.* 33, 27. *No.* 9.]

April [—]. **512.** Arthur Middleton, President of the Council and Commander in Chief of S. Carolina, to Governor Nicholson. After a long and tedious Sessions our Assembly at last broke up, and I think I have provided for most things necessary for the Province. Several vessels have gone from hence to London since the rising of the Assembly, without any letter from me

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for I stay'd for the getting ready the Journals and Acts *etc.* There is provission made in the tax for yours, Mr. Sharp's and Mr. Yonge's mony. The General Assembly have appointed Mr. Wragg their Agent. I hope he will be acceptable to your Excellency *etc.* *Encloses* petition from the General Assembly about the paper money. *Continues*:—If there is anything farther necessary to be done by our Assembly to put a final end to the dispute with the proprietors, please to let me know it and I will imediately call them to get it done; I know you will think it strange that the Assembly have appointed such Commissioners to correspond with the Agent, but I could not help it without making a stir in the house *etc.* The Assembly have desired me to appoint a new Chief Justice, and I having put it to the Council the major part of them *etc.* were for putting it off till Mr. Yonge's arrival, which they say will be very soon, as he writes to several here, and so that affair rest for some time. The Assembly having had great reason to complain against Harvey the Marshal have desired me to displace him, accordingly I did, and put in Mr. Bampfield. I doubt not but he will be very dutiful to and thankful to your Excellency to continue him *etc.* *Encloses letter from him.* *Continues*:—I shall say no more of that fellow Whitaker only that he makes his braggs that he has receiv'd a copy of my letter to your Excellency, I can't persuade myself that he has receiv'd anything; or not anything more than a paragraph wherein I tell you that he has left your interest. I again say he has and I daily see it by his actions, *etc.* *Complains* that he has suffered loss through a bill of exchange of an officer of the Garrison. *Continues*:—I wait with impatience for your coming back or to hear further from you, for we have nothing talk'd of here but warr with Spain, upon the first news of which I will call the Assembly, and get Port Royal put in some posture of defence, in the mean time I will have a watchful eye on that side, and I am in great hopes we shall be easy with our Indians *etc.* *Asks* H. E. to give an order for the two years salary due to him *etc.* *Continues*:—The Council has wrot to your Excellency to desire you to get the Council fil'd up, indeed it is time, for as here is but seven, the burthen is very great on them, and it is as much as I am able very often to make a Council etc. *Signed*, Ar. Middleton. *Endorsed*, Recd. (from General Nicholson) 28th June, Read 5th July, 1727. 2 *pp.* [*C.O.* 5, 360. *ff.* 1, 1*v.*, 4*v.*]

April 20.
Charles Town.

513. Mr. Middleton to Governor Nicholson. Since writing *preceding*, I have very little to acquaint you with, but that, since the Tax Act past *etc.*, the people are stirr'd up to say, that it is very difficult for them to pay, since pitch and tarr is worth nothing; that they want an Act to enable them to make tender of their produce, both in tax and to theire creditors, that the present currency is to be soone sunk, which will throw them under greate hardships wth. theire creditors, that a Cheife Justice is wanting to regulate the Courts, and not to have everything carryed according to the different interest and humours of the Attorney pleading at the Barr as they say, it now is, and severall other such complaints, and accordingly they are from all parts signeing a petition to me, and the Councill to have these things redresst *etc.* *Refers to enclosures. Signed and endorsed as preceding.* 1 *p.* [*C.O.* 5, 360. *ff.* 2, 3*v.*, 4*v.*]

April 20. Whitehall. **514.** Mr. Popple to Mr. Fane. My Lords Commissioners *etc.* send you the inclosed Act passed in Virginia in 1726, *for laying a duty upon liquors,* as also a copy of the Charter of William and Mary Colledge, *etc.*, and desire, as soon as possibly may be, your opinion in point of law, whether the £200 pr. ann. appropriated by this Act for the relief of the said Colledge, is thereby directed to be solely apply'd for and towards the maintaining and supporting the full number of Masters and Professors who are to reside in the said Colledge. [*C.O.* 5, 1365. *pp.* 314, 315.]

April 20. N. Providence. **515.** Governor Phenney to the Council of Trade and Plantations. *Acknowledges* letter of 30th June. *Continues* :—I am sorry to find Captn. Barker did not perform his promise in a careful delivery of the plan of the fort as I then design'd and have now almost finisht ; But I hope your Lordsps. receiv'd a small plan of the outworks in mine of January last. I am very much obliged to your Lordships for sending copys of my last papers to the Duke of Newcastle's office, but I always transmit the same publick papers to the Secretary of State which goes to your Lordships according to H.M. Instructions *etc.* *Continues* :—The rumour we have of an approaching war has occasion'd me to deferr my design of throwing down the old gate of Fort Nassau till the certainty of war or peace is more known, and to prepare to erect a small fort more imediately necessary to secure the Eastern entrance of the harbour, but the very great want of gun-carriages and other stores of war make our fortifications naked *etc.* The Board of Ordnance refuse to take any notice of us, which occasions me to send the enclosed account of stores wanting, hoping your Lordships will continue your goodness to interceed with H.M. for us. I have received a copy of H.M. gracious warrant for the money lodg'd in Mr. Mulcaster's hands and am very thankful for your Lordsps. favor therein, *etc.* The quit-rents formerly paid to the Lords Proprietors do not appear a disencouragement to people's settling with us, but the want of some person to reside here with sufficient authority to survey and grant patents of lands for such people as are already here and such as may for the future come to settle. *Refers to enclosed replies concerning negroes imported etc.* *Encloses* " an affidavit of some

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of our people's being lately plunder'd by a Spanish piragua, who always I observe talk of a right to our produce and for want of a small ship of war being station'd here I know not how to convince those sculking fellows of the contrary, but have great hopes we shall obtain one by your Lordsps'. representations" *etc.* *Signed*, G. Phenney. *Endorsed*, Recd. 2nd, Read 10th Nov., 1727. 2⅔ *pp.* *Enclosed*,

515. i. Deposition of George Raddon and Benjamin Bullock, mariners of the sloop *Benjamin* of New Providence. 25th March, 1727. On 18th March, being about 3 leagues W. of a key called Key Lopes (which lyes on the edge of the Bahama Bank within the jurisdiction of these islands) a Spanish periagoa belonging to St. Domingo on Hispaniola boarded and plundered them, stripping deponents of all their clothes *etc.* *Signed*, George Raddon, Benjamin Bullock. *Same endorsement.* *Copy.* 1 *p.*

515. ii. Answers to queries from the Board of Trade. *Repeats* replies given formerly. *v.* C. S. P. 28th Jan. 1726, concluding with a return of negroes imported: 1718, 30, from Jamaica; 1721, 295 from Guinea; 1723, 2 from Jamaica; 1726, 15 from Hispaniola. *Same endorsement.* 10⅛ *pp.*

515. iii. Account of Stores of War brought to the Bahama Islands by Govrs. Rogers and Phenney and what remained in Jan. 1727. *Signed*, Tho. Butler, Gunner, Willm. Shott. *Same endorsement.* 2½ *pp.*

515. iv. Accounts of stores of war wanting. 10th March, 1727. *Signed*, G. Phenney *and six Councellors.* *Same endorsement.* 2 *pp.*

515. v. List of Christenings, marriages and burials in the Bahama Islands for 1726. *Signed*, Tho. Curphey, Minister. *Same endorsement.* 1 *folded p.* [*C.O.* 23, 2. *ff.* 107–110, 111*v.*–117, 119*v.*–122*v.*, 123*v.*–124*v.*]

April 20.
N. Providence.

516. Governor Phenney to the Duke of Newcastle. Refers to enclosures and repeats concluding portion of preceding covering letter. *Signed*, G. Phenney. *Endorsed*, Rd. Nov. 4th. 1⅓ *pp.* *Enclosed*,

516. i. Minutes of Council of the Bahama Islands, 16th May, 1726—1st Feb., 1727. 54 *pp.*

516. ii, iii. Lists of ships entered and cleared, New Providence, 30th Sept.—25th Dec., 1726. *Signed*, Jno. Warner, Navl. Officer. 6 *pp.*

516. iv–vi. Duplicates of encl. iii–v *preceding.*

516. vii. Accounts of public revenue, 1726. *Totals:—Receipts*, £323 12*s.* 1*d.* *Expenditure:* £85 12*s.* 9*d.* *Signed and sworn in Council by*, Pr. Goudet, Treasurer. 2 *pp.*

516. viii. Duplicate of encl. i. preceding.

516. ix, x. Lists of ships entered and cleared, N. Providence, Dec. 26, 1726—March 25, 1727. *Signed*, Jno. Warner, Naval Officer. 4 *pp*.

516. xi. Duplicate of encl. ii preceding.

516. xii. Petition of Governor and Council of the Bahama Islands to the King, for the removal of Lt. Ferrall. *Duplicate of* C. S. P., Sept. 20, 1726.

516. xiii. Petition of *Same* to *Same*. 10th April, 1727. The scituation of the Bahama Islands making it absolutely necessary for the preservation and safety of the Trade and Navigation between your Majesty's American and West Indian colonys that they should be and remain part of the British Dominion as well as for the command the possessors of them may have of both the windward and Gulph passages, and thereby be a great curb on the Spaniards, of which they were so sencible that it was the first part of your Majesty's Dominions that they attempted in the last war, and still continue (on pretence of being the rightful owners of these islands) to take and pillage such vessells belonging to us as they can meet with. On these considerations Governor Phenney has repaired and augmented the fortifications *etc.*, but we are no ways capable of supplying the garrison with stores of war, the quit-rents, tenths and royaltys being in the hands of the lessees to the Lords Proprietors and not applied to publick uses. No proper person being resident with sufficient authority for surveying and granting patents for lands discourages the peopling of these islands *etc.*, as is the want of an Assembly to compose a body of laws suitable to the circumstances of the Colony. And it appears to us by the accounts laid before us that since the Lessees have ceased sending their shipping hither, the charges in transporting recruits for your Majesty's Independant Company runs so high as makes it impracticable upon the savings thereof sufficiently to supply it *etc. Pray for* a supply of stores of war, officers and gunners, the appointment of a resident surveyor, authority given for calling an Assembly, appointment of a ship of war to be stationed there, which may transport the necessary recruits, and the appointment of another independant company, at least during the threatened war with Spain. *Signed*, G. Phenney and 9 others. 2 *pp*.

516. xiv. Address of the Council, magistrates and principal inhabitants of Providence Island to Governor Phenney. 24th May, 1724. Thanks for Broad Seal and request a small stationed ship *etc.* 31 *pp*.

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516. xv. Address of the Justices, Grand Jury *etc.* to Governor Phenney. 24th Aug. 1724. Duplicate of C. S. P. Dec. 3, 1724, encl. ii.

516. xvi. Address of the Justices, Grand Jury and principal inhabitants of New Providence met at the Quarterly Sessions to Governor Phenney, Feb. 26, 1726. *Express* satisfaction at H.E.'s application in directing the soldiery in garrison in rebuilding and augmenting the ruined fortifications *etc.* *Continues*:—We have been long sencible that your Excellency receives no assistance from the Bahama Society towards carrying on the public works, and the few negroes we have been at times able to spare are but a small help *etc.* Throughout your administration you have shown the strictest regard to justice *etc.* 40 *signatures. Copy.* 2 *pp.*

516. xvii. Address of *Same* to *Same*. 28th Feb., 1727. *Request* H.E. to assure H.M. of their loyalty *etc.* and to petition him for a grant of stores of war and the appointment of a Surveyor, and patenting of lands, and permission to hold an Assembly, " when we will agree in promoting H.M. interest and the mutual good of his subjects " *etc.* 25 *signatures. Copy.* 2 *pp.* [*C.O.* 23, 13. *ff.* 442, 442*v.*, 445–471*v.*, 472*v.*–473, 474–476*v.*, 478–479, 480*v.*, 481, 482*v.*, 483, 484, 486*v.*, 487, 488*v.*, 489, 490–494*v.*, 496*v.*, 497, 498*v.*, 499, 500*v.*, 501, 502*v.*, 503, 504*v.*, 505, 506*v.*, 507.]

April 21. St. James's. **517.** Order of King in Council. Approving draft of Commission for Governor Hunter. *Signed*, Ja. Vernon. *Endorsed*, Recd. 3rd, Read 4th May, 1727. 1 *p.* [*C.O.* 137, 16. *ff.* 361, 362*v.*]

April 21. St. James's. **518.** Order of King in Council. Referring letters from Mr. Ayscough (*v.* 26th Jan.) to Committee of Council. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 137, 16. *ff.* 365, 366*v.*]

April 24. St. James's. **519.** President Ayscough to the Duke of Newcastle. *Refers to* letter of 15th Feb. and Minutes of Council and Assembly now sent to the Board of Trade. *Continues*:—The Assembly's behaviour has been such that put me under a necessity of dissolving them on the 17th of March. Your Grace will please to observe from the Speech I made to them at the opening of the Sessions herewith inclosed that I laid before them in the most pressing manner H.M. commands concerning the draught which had been so earnestly recommended to them by H.M. for perpetuating their laws; But they treated the same with disdain, for the first thing they did, without so much as reading it they put it to the vote whether they should receive the said

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draught or whether it should be on the table, and it was carried for the latter; The next thing they fell upon was concerning a decree that was sent over hither from the Court of Delegates for awarding restitution for some unwarrantable captures formerly committed by some privateer vessels; and one Leaver, who had been a part owner of one of those vessels, was taken by the Provost Marshall in execution upon the process issued out of the Court of Delegates in England, and pursuant to that decree the Provost Marshall detained the said Leaver in his custody until such time restitution should be made agreeable to the sentence of the said Court: soon after that Mr. Leaver was taken into custody some of his friends procured him to be elected an Assemblyman imagining (as I suppose) his being elected after he was taken in execution would be a means of procuring his enlargement and thereby evade making restitution *etc.*; and accordingly on the 4th of March Mr. Leaver presented to the House a petition complaining of an illegal commitment and detainer by the Provost Marshall and demanding his seat in that House; whereupon the Provost Marshall's Deputy was served with an Order of the House commanding him to deliver up the said Leaver, or the Provost Marshall to attend and show cause to the contrary; To which the Provost Marshall made a return to the House of all the process and proceedings that had been in that cause; then a day was appointed for hearing Mr. Leaver's Couneil at the Barr of the House, which was heard accordingly on the 15th, and the House came to an unanimous resolution that Mr. Leaver was illegally detained by the Provost Marshall, and ordered their Speaker to sign a warrant for his immediate enlargement; and the Provost Marshall's Deputy being served therewith by the Messenger of the House, he made some hæsitation at it, and some words happening between the Provost Marshall about delivering Mr. Leaver up, the Messenger made a report thereof to the House; Upon which they ordered their Speaker (without the least application to me) forthwith to issue one of the most extraordinary warrants that ever yet was assumed by an Assembly in this Country; for they therein empowered their Messenger to call to his aid and assistance all Magistrates, Justices, Constables, fitting men and other Civil Officers for the siezing and apprehending the Provost Marshall and his Deputy, which obliged the latter to abscond, and the Provost Marshall was forced to have recourse to me at the King's house for protection, whom I was obliged to aid and assist in the execution of that sentence in obedience to the commands I had received in a letter from my Lord Townesend which accompanied that decree. Then the Messenger with several others in a tumultuous manner had the impudence to endeavour to sieze the Provost Marshall's chariot before the door of the King's house when he himself was then on business with me; so great

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a piece of insolence and indignity offered to the King's authority became insupportable especially when I saw a tumult was like to ensue, which made me summon a Council and laid the whole proceedings of the Assembly before them, and they advised me to dissolve them immediately, which I did by proclamation ; and writts are now out for a new Assembly to convene the 23rd of May next. Your Grace will plainly observe from a view of their proceedings the absolute necessity there is for representing to H.M. the incroachments on the Prerogative which Our Assemblys endeavour daily more and more to grasp at ; and it is become a common saying among some of the leading Members that if a Governour don't yield to their desires they will grant no supplies, and that if the Government can subsist without money they can do so without laws ; such is the present humour of the people and I am really apprehensive of their continuing in the same disposition of mind until some vigorous measures are taken by H.M. or the Legislature to bring them to a due sense of their duty, and dependence upon the Crown of Great Britain. From my speech your Grace will please to observe the state and condition of this Country ; the droughth still continues to that degree the like was never known here, and there is neither trade nor money stirring, in short the Island is in a deplorable condition : When I came to the administration of affairs I found the Revenue greatly in debt, the funds anticipated ; and the Assembly have not thought fit to give one shilling to the support of the Government ; the country subsistence for the soldiers expired in February so that they are now driven to great want ; from all which your Grace must be sensible of the many difficulties I have encountred even to keep the publick peace and quiet of the Island : I should be untrue to the trust H.M. has reposed in me did I not lay these things before your Grace with the utmost candour and integrity that, if H.M. thinks fit, proper remedies may be speedily applied. *Signed*, J. Ayscough. *Endorsed*, R. 10th July. 4½ *pp.* *Enclosed*,

519. i. Duplicate of Feb. 15th.

519. ii. Copy of the Daily Journal, London, 6th May, 1727, publishing the Address of the President and Council to the King (*v.* C. S. P. 14th July, 1726). *Printed.* 2 *pp.* [*C.O.* 137, 52. *ff.* 326–328, 329*v.*–332*v.*]

April 24. Jamaica. **520.** President Ayscough to the Council of Trade and Plantations. *Refers to* letter of 26th Jan. *Continues* :—I am now to lay before your Lordships a detail of the proceedings [*of the Assembly*] which have proved so undutiful and disrespectful to H.M. and his authority that it put me under a necessity of dissolving them on the 17th of March. *Continues as preceding covering letter.* *Signed*, J. Ayscough. *Endorsed*, Recd. 11th July, Read 28th Sept., 1727. 4½ *pp.* *Enclosed*,

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520. i. Copy of the Weekly Jamaica Courant, 22nd March, containing President Ayscough's Speech to the Council and Assembly 1st March, 1726(7). *Endorsed*, Recd. 11th July, 1727. *Printed.* 4 *pp.* [*C.O.* 137, 17. *ff.* 13–15, 16*v.*, 18–19*v.*, 20*v.*]

April 25. South Carolina, Charles Town. **521.** Extract from a letter from a Merchant in Charles Town to a London Merchant. Our precinct Court hath not answered the expectation of the country people and the last sitting the Assembly past another law for the better establishing those Courts wherein there shall be no process but by an arrest for debt and not by summons as formerly, and the people have so farr deterred the Marshall from going into the country that few or no debts will be recovered. The people are very much in debt are now entering into an Association to pay no taxes, the next step will be paying no debts, subvert the Governmt. and become Levellers. I never saw such a spirit in the people as now and how it will end God knows. One of the Heads is now in prison but its expected he will be rescued and when a mobb is together nobody knows what mischief may be done for my part I intend to pack up books bonds and papers and send them on board the man of warr. *Endorsed*, given in by Governor Nicholson (? *to the Duke of Newcastle's Office*), July, 1727. *Copy.* $\frac{3}{4}$ *p.* [*C.O.* 5, 387. *No.* 71.]

April 25. Whitehall. **522.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Pennsylvania, 1726, *for re-emitting such bills of credit as by former Acts are directed to be sunk, etc.* [*C.O.* 5, 1294. *p.* 1.]

April 25. **523.** Mr. Fane to the Council of Trade and Plantations. Report upon Liquor Act of Virginia in reply to 20th April. The money cannot be applied to the support of the masters till after the College is built, in accordance with the Charter *etc.* *v.* April 26. *Signed*, Fran. Fane. *Endorsed*, Recd. Read 25th April, 1727. 3 *pp.* [*C.O.* 5, 1320. *pp.* 127–128*v.*]

April 26. South Car. **524.** Edward Massey, Capt. of an Independent Company of Foot at Fort King George, to the Rt. Honble. Henry Pelham (*Secretary at War*). *In obedience to H.M. commands signified to him at London,* 19*th Aug., reports upon the condition of his company, etc.* The Fort (if a place incapable of defence may be called by that name) is 150 miles beyond any Settlement, and in the most desert part of the Province, for the security of which or any part of its trade, it might as usefully have been placed in Japan, it's whole extent does not exceed $\frac{1}{3}$ of an acre, part of it is in a marsh, which renders the air extremely unwholesome, this joyn'd to the hard necessity of eating salt provision all the year, has destroyed great numbers of men, of which the death of 4 Commission Officers a Surgeon and 130 odd serjeants

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and private centinells in six years, is too fatal a proof, not to mention the great desertion it has occasioned. We are destitute of every inconveniency and accommodation, and under the greatest difficulties in procuring even salt provisions; which must be laid in once a year, there being but one season for growing beef and pork, great quantities of which go bad in six months. This has occasioned frequent mutinies, and the men would desert in a body, if they had no hopes of being relieved. *Refers to* "the unaccountable and injurious treatment we receive from the Country, for whose assistance and relief H.M. was pleased to raise and pay the Company, they deny quarters to the recruits when landed, as likewise to any detachment on service, and refuse to supply the Garrison with either bedding, fire or candle" *etc.* *Describes* lack of accommodation in the Fort *etc.* *Continues:*—Cannon indeed I have, but without ball, hammer or sponge, for all which I have applyed and been refused *etc.* I find I am not to expect assistance from the country, who I firmly believe (some few persons excepted) would sacrifice not only this unfortunate Company, but all H.M. Forces if in their power, could they either save or gain half a score paltry negroes by it *etc.* On the strictest enquiry I cannot find, the late fort was burnt by design, but have reason to suspect the men were not so active as they might have been in extinguishing the fire, in hopes they should be delivered from the miseries they had so long suffered, which are inexpressible *etc.* Has composed differences amongst the Officers etc. P.S. In divers parts of the Province for some days past, the people have been, and are assembling in a riotous manner under pretence of petitioning, but in reality forming a seditious if not treasonable Association. Yesterday one of the Ringleaders was apprehended and committed by Mr. Skeene one of H.M. Councill. April 27th. Just now a Justice of the Peace has granted quarters to two men of my Company, to guard a criminal convicted of murder *etc.* They still refuse quarters to recruits or any detachment on the King's service. *Signed,* Edwd. Massey. 3 *pp.* [*C.O.* 5, 387. *Nos.* 72, *and* (*part only*) 73.]

April 26.
Whitehall.

525. Council of Trade and Plantations to the King. *Propose* Act of Virginia *for laying a duty on liquors,* 1726, for H.M. royal approbation, after stating objections urged against it by Governor Nicholson, one of the Trustees of the College of William and Mary, and the Board's views thereupon. *Set out,* A. P. C. III. *pp.* 153-156. [*C.O.* 5, 1365. *pp.* 315–322.]

April 28.
Whitehall.

526. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Antigua, 1726, *for laying a duty of powder and money on all vessels trading to or from this Island, for the defence of the Island etc.* [*C.O.* 153, 14. *p.* 232.]

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April 29. **527.** H.M. Commission to the Bishop of London for the exercise of the Spiritual and Ecclesiastical Jurisdiction of the Plantations. *Printed.* 6 *pp.* [*C.O.* 5, 192. *ff.* 310–312*v.*]

April 30.
Annapolis Royall.
528. Lt. Governor Armstrong to the Duke of Newcastle. Since my last dated 24 November (*sic*), I have the mortification to tell your Grace for H.M. information that there arrived here from Boston one Mr. Gambell formerly a Lieut. in the army, who I am told came from England with Major Cosby to Boston where the Major still continues, tho' I have order'd him to his post at Canso, and in defiance and disobedience to my orders stays in New England to know the result of the said Gambell's fallse complaints against me, after his arrivall here from England he associated himself with some Boston antimonarchical traders, who together with some evil intended french inhabitant that had lately taken the oaths of fidelity to his most gracious Majesty, which they never could be brought too before by any former Commander, and incited them to signe such complaints as he had formed against me, telling them I had no power nor authority to administer them such oaths, and also that Major Cosby would be with them this spring with full power to govern the Province, in short he has instilled such rebelious principels into the inhabitants of Minos and Boabassin, two of the principall settlements; to the former of which I sent Capt. Bennett to administer the oaths and Eno. Philipps to the latter, they are both return'd with the said inhabitants answers and resolutions not to take any oath but to their Notre bon Roy du France, as they express it (*v. encl.*), and all this occasioned by the incitement and ill conduct of the aforesaid Mr. Gampell and three or four New England traders, who are now tradeing with the said inhabitants that are rebells against H.M. and this his province of Nova Scotia *etc.* The French Missionery preists, at the abovesaid places have assembled a great body of Indians, with a resolution to begin the warr against H.M. subjects of this Province and New England, all which troubles are occasioned by the abovesaid Mr. Gambell and his abettors. I must begg your Grace's protection against the said Gambell's complaints, for sure I am he must be incouraged by some people that enemys and envy me the honour of making a peace with the Indians, and setleing affairs upon a just footing in this Province for H.M. service. Otherwise he would not presume to come into this Govermt. of himself, and committ so many evil practices against H.M. intrest here, and with so much contempt against me, that does all that lyes in my power for the dignity and honour of my King and Countrey. I must in conjunction with the rest of our Officers obsarve to your Grace the present state of this Garrison (*encl.* iii) to be lead before H.M. for his information *etc. etc.* whereby you will see the absolute necessity either to repair it or demolish it, and

errect another fortification at Minos or wherever it shall be thought most proper to quell the rebellious inhabitants to their duty and obedience to his most gracious Majesty King George. I most humbly represent to your Grace the necessity of sending some presents such as I mentioned in my last by which means the Indians may be kept to presarve the peace so lately effected both with pains and trouble after the loss of many of H.M. subjects barbourslv massacred and murdered in the last warr with them *etc.* The Marquiss de Bournoire Govr. Genll. of New France or Quebeck has assembled the heads of nine Castles or Tribes of Indians and demanded of them who had made peace with the English, up stood three of the Chiefs and declared they had, upon which the Marquiss tould them he had nothing further to say to them, but as for those that would continue the warr's he had presents for them in powder, ball, arms, cloathing etc. ; this news was transmitted by the Lieut. Governour of New England, and also pritty nearly confirmed by the Indians themselves, that has a mind to preserve the peace, they tell me two warlike savage Nations beyound Queebeck towards the River Massacipy, are comeing to make warr upon the savages that made the peace with H.M. Provinces as well as naturall subjects, the said Indians further have informed me that 25 Chiefs are actually gon to Queebec to know the Governour's reasons for disturbing their present tranquility, all this may be a fetch of the Indians who are given to stratagem and conning in order to amuse us from being on our guard, which they will be mistaken in, yett they have promised me they will return from Queebec, and bring me the Governours answer to their demands. Monsr. St. Ovide the french Govr. of Cape Britain last fall sent letters to me and the late deceased Lt. Govr. Doucett for liberty to have chosen refreshments for himself and his officers on board a vessell he then sent which vessell winter'd here and is now purchassing the said refreshments with money, for he brought nothing else, which I have thought proper to indulge him in, in regard to the frendship and alliance between the two Crowns, and that the french Governmt. might not complain of our want of friendship to them. May it plase your Grace even this indulgence is censured by the New England marchants, and I beleive there will be complaints sent home against me for so doing ; but I shall do nothing but what I shall acquaint your Grace and Lords Commrs. for Trade and Plantation off, *etc. Continues :*— The bearer, Capt. Bennett can further tell your Grace the dispossition of the people or French inhabitants of this Province and also of the conduct of their missinary preists ; who instill an inculcated heatred into both Indians and french inhabitants, against the English, he can also inform you what difficultys I have laboured under to gett provissions for my ready money to suport the King's troops with dureing the time I have been here. I most humbly begg your Grace's protection for this Gentleman and hope you will dispatch him back as soon as possible with some orders and instructions how I shall act in the aforesaid emergencys *etc.* *Signed,* L. Armstrong. *Endorsed,* Rd. Jan. 23, 172$\frac{7}{8}$. 6 *pp.* *Enclosed,*

528. i. Deputies of the inhabitants of Beau Bassin to Lt. Governor Armstrong. We cannot take the oath you require from us, by reason of the savages, who have threatened to take the hatchet against us, so soon as we shall have signed it, and because we wish always to be faithful to Our good King of France. We submit to your Government, however, paying the taxes as we did whilst under the French *etc.* *Signed,* Charles Bourgeois and 4 others, their marks. *Copy.* *French.* 2 *pp.*

528. ii. Ensign Philipps to Lt. Govr. Armstrong. The inhabitants of Beau Bassin (Chignectou) resolutely refused to take the oath I tendered them (*v. preceding*). They said that rather than sign it they would leave their habitations and repair to the Island of St. Johns. One said that there was no encouragement for their takeing the oath, and that the inhabitants of Annapolis Royal that had already sign'd were worse treated than ever before, their oxen being worked on the King's account, without being paid for them. Joseph Ignace, the Missionary preist, incited them to this course. He often repeated to me in private the number of young men that could bear arms in the place and that he himself would take up arms rather than the people should sign. There are 120 heads of families there. It was impossible to have any just account of their black cattle and sheep. As to your Honour's directions to them not to transport any of their corn or cattle out of the province without the Governors and Councils leave, they answered that they thought themselves at liberty to dispose of their goods to the first that would pay for them, whether French or English *etc.* *Signed,* E. S. Philipps. *Copy.* 3½ *pp.*

528. iii. Capt. Bennett to Lt. Gov. Armstrong. In spite of all my persuasion the inhabitants of Menis refused to take the oath *etc. cf. preceding.* *Concludes*:—" In my opinion they are too a man intirely disaffected to the Government of Great Brittain." 2¼ *pp.*

528. iv. Deputies of inhabitants of Mines to Lt. Govr. Armstrong. *Cf. preceding.* The terms of the oath frighten the inhabitants from taking it, but they assure your Excellcy. that they will not commit any act of hostility *etc.* 24 *signatures.* *Copy.* *French.* 2 *pp.*

1727.

528. v. Further representation on the state of the fort at Annapolis Royal. Since our last the breaches have increased *etc.* *Describe* rotten state of the drawbridge and gateway *etc.* At their own expence Lt. Gov. Armstrong and the Captains of the Garison have palissaded the ramparts within the parapet *etc.* *Signed,* L. Armstrong, *and* 11 *Officers of the Garrison.* 1 *p.* [*C.O.* 217, 38. *Nos.* 15, 15. i–v.]

April 30. Annapolis Royal. **529.** Lt. Governor Armstrong to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis.* *Signed,* L. Armstrong. *Endorsed,* (Duplicate, original not recd.) Recd. 23rd Jan., Read 31st May, 1728. 4¾ *pp.* *Enclosed,*

529. i–v. Duplicates of enclosures i–v, *preceding.* [*C.O.* 217, 5. *ff.* 26–31*v.*, 32*v.*–34*v.*, 35*v.*–36; *and* (*duplicate of covering letter*) 217, 30. *pp.* 23–25.]

April [ ]. Whitehall. **530.** [? *Duke of Newcastle*] to President Ayscough. I have received your letter of 16th Dec. with the proceedings of the Council of Jamaica, with regard to the supplying Admiral Hosier with men; which having been laid before the King, H.M. was extremely well satisfied with the great care and diligence that had been shown on that occasion, and the ready compliance with the Admiral's request; which H.M. takes the more particular notice of, as it happened at so important a juncture. From this instance of their zeal for H.M. service, He is fully persuaded of their giving the same ready assistance in any case of the like necessity, and that you will not be wanting on your part to contribute towards it. I wish I could at the same time acquaint you with H.M. approbation of the proceedings of the Assembly with regard to the settling the laws of the Island; but I find by this and your former letters, that they are not so sensible of H.M. gracious intentions towards them, as might be reasonably expected; however, I will not now enlarge upon this subject; since H.M. has been pleased to appoint Brigr. Hunter to be Governor of Jamaica, who will soon set out with full Instructions on that head. In the mean time H.M. has commanded me to signify to you His entire approbation of your conduct, being sensible that you have not been wanting in your endeavours to convince them of what has been recommended to them; and H.M. questions not but you will continue to act with the same zeal and vigilance for His service and the good of the Island, so long as the Government thereof shall remain in your hands. 2 *pp.* [*C.O.* 137, 52. *ff.* 312, 312*v.*]

[April]. **531.** Bill of lading of the *Anne* brigantine, Capt. Thomas Jenkins, commander. Merchandize to the value of £600 shipped by Cha. Lewen. 1 *slip.* [*C.O.* 388, 27. *No.* 81.]

1727.
May 2.
Admty. Office.

532. Mr. Burchett to Mr. Popple. H.M.S. *Argyle*, Capt. Bouler, and the *Ludlow Castle*, Capt. St. Lo, being designed to go convoy this year to Newfoundland, *etc.*, *asks for* Instructions and Heads of Enquiry *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 2nd, Read 3rd May, 1727. *Addressed.* 2⅔ *pp.* [*C.O.* 194, 8. *ff.* 46–47*v.*]

May 2.
Whitehall.

533. Mr. Popple to Mr. Ayscough, President of Jamaica. *Acknowledges* letters of 2nd Oct. and 26th Jan. last. *Continues :*—My Lords Commrs. desire, you will send as soon as you possibly can, the other accounts you promise to transmit, and that you will be punctual in transmitting a regular acct. of whatsoever is transacted during your administration. My Lords are very much concern'd to find by the proceedings of the Assembly, sent 26th Jan., that they are so little inclinable to do their part towards restoring the publick tranquility of the Island ; But as H.M. has at present the state of Jamaica and the particular proceedings of your Assembly under his immediate consideration ; when he has been pleas'd to determine thereupon, further orders will be sent to Jamaica upon this subject. [*C.O.* 138, 17. *pp.* 135–136.]

May 2.
Whitehall.

534. *Same* to President Carter. *Acknowledges* letter *etc.* of 4th Aug. and 14th Jan. last, and Major Drysdale's letters of 29th June and 10th July. *Acquaints him* with the Board's recommendations concerning the Council (22nd and 29th March), and of the Act *for laying a duty upon liquors etc.* (Ap. 26th). [*C.O.* 5, 1365. *pp.* 322, 323.]

May 3.
Whitehall.

535. Order of King in Council. Ordering the Council of Trade and Plantations to prepare draughts of Instructions for all Governors of H.M. Plantations in America upon the several points contained in following petition. *Signed*, Robert Hales. *Endorsed*, Recd. 8th, Read 9th May, 1727. 1¾ *pp.* *Enclosed*,

535. i. Petition of Edmund, Bishop of London, to the King. *Prays* that instructions may be sent to the several Governors to cause the laws against blasphemy, profaneness, adultery, fornication, polygamy, incest, prophanation of the Lord's Day, swearing and drunkenness to be put in execution, since by his Commission (*v.* A. P. C. III. *No.* 74), the ecclesiastical laws against these crimes and vices may not be executed upon the laity in the Plantations ; and that the Governors be instructed earnestly to recommend it to the several Assemblies to provide laws for the restraint and punishment of the abovementioned vices against which no laws are as yet provided, and to provide for their presentment upon oath to the temporal Courts, by the Churchwardens, at times appointed,

1727.

as is already provided in the laws of Virginia *etc.* *Prays* that the Governors be instructed to enter upon proper methods for the erecting and maintaining of schools, *etc.* *Printed,* N. J. Archives, 1st Ser. V. 159, 161. *Copy.* 2¼ *pp.* [*C.O.* 323, 8. *Nos.* 71, 71 i.]

May 4. Whitehall. **536.** Duke of Newcastle to Council of Trade and Plantations. An Instruction is to be prepared for Major General Hunter, relating to his appointments, agreeable to that which was prepared for the late Duke of Portland *etc.* (*v.* C. S. P. 11th Oct., 1721). *Signed,* Holles Newcastle. *Endorsed,* Recd., Read 4th May, 1727. Sent for back by D. of Newcastle, 9th May. Recd., Read again 19th May. 1 *p.* [*C.O.* 137, 16. *ff.* 363, 364*v.*]

May 4. Whitehall. **537.** Duke of Newcastle to the Council of Trade and Plantations. Refers following for their report. *Signed,* Holles Newcastle. *Endorsed,* Recd., Read 9th May, 1727. 1 *p.* *Enclosed,*

537. i. Petition of William, Earl of Denbigh, to the Duke of Newcastle. States claim to the plantation called Pensez-y-bien in the French part of St. Kitts and prays for H.M. grant of the same. 2¼ *pp.* [*C.O.* 152, 15. *ff.* 318, 319, 320, 320*v.*, 321*v.*]

May 4. Charles Towne. **538.** President Middleton to Governor Nicholson. *Acknowledges* letter *etc.* of 6th and 7th Feb. *etc.* *Encloses* Address from the Council to H.M., but as the Assembly are up, it will be difficult to get one from them. *Continues* :—I designe as soon as possible to send for the Militia Officers and get them to doe the same, and also the Reverend the Clergy *etc.* Your Excellency complaines of the unreasonable proposeall of Mr. Trott, for printing our Laws. I assure you Sr. it came from the Lower House of Assembly, but as I never did, or will give into it, soe, it dropt at our Board, and I am well assured, that noe Gentleman of the Councill, did underhand countenance him in the said proposeall. Mr. Boone has not gott his money, and he may petition, as you say, I will let him know it. Wee have an acct. (by the way of the Maderas) that the Warr is begun in Spaine. I shall take the best care, I can, to put H.M. Province in best posture of defence, and shall in a small time goe myself to Port Royall and carry with me amunition and other stores for the defence of that place, but after all that i can doe, your Excellency very well knows the weakness of that part of the Province. *Encloses* copy of Representation (*v.* 6*th May encl.* i) which has been industriously handed about amongst the people in the Northern parts of this Governmt., and by a few designing men. You will see in the said paper, what they complaine of, as the tax, tho' not one penny more is raised then what is due, the Act for keeping white servants, the burning the bills etc., but as I have taken a great deal of paines to appease and satisfye the people, and have been at the head of the severall companys to the northward and have put a stop to all such proceedings, and everybody is now easy and quiet, I beleive it may be represented to your Excellency, that the people's veiw in this proceeding was to oversett the Governmt., but it is false, and I am very well assured, it is far from the heart of any one of them. It is true they have given theire reasons in theire paper, but when I have put it home to some of theire cheifs, they confess to me, that they are uneasy in theire private circumstances, for the great numbers of negroes, that have been imported within these three or four yeares (*v.* 18*th Jan. supra*), have run them prodigiously in debt, and the sudden fall, of the price of pitch and tarr, which was what abundance of cheifly employed themselves in, has rendered numbers of them unable to pay theire debts soone and theire creditors comeing upon them, has put them under desperate circumstances. And this Sr. is really the true state of their case, and I hope your Excellency will be soe kind to these poore people, as not to harbour the least notion of their haveing any disrespect to H.M. Government. They very much long to have the affaire of the Government decided wth. the Proprietors and that they may be entirely under his most sacred Majesty's Government and protection. As that affaire is still in suspence, soe it gives a handle and oppertunity to people here, of different views and interest to make the Governmt. uneasy *etc. Desires him* to put these matters before the Duke of Newcastle. *Continues*:—I am againe desired by the Gentlemen of the Councill, to put your Excellency in mind to gett the Councill filled up, they being now soe few, that theire frequent attendance is very hard on them; I must againe desire your Excellency to get my salary paid, there being now two years due to me *etc. Signed*, Ar. Middleton. 2 *pp. Enclosed*,

538. i. Draught of Address of the President and Council of S. Carolina to the King. *Express* abhorrence of the endeavours of the Emperor and King of Spain to "deprive your Majesties subjects of the most valuable branches of their trade and raise an intestine warr in your Kingdoms by placing a Popish Pretender on the Throne" *etc.* We will to the utmost of our power exert ourselves against all your enemies *etc.* 1 *p.*

538. ii. Duplicate of Representation. *No.* 542 i. [*C.O.* 5, 387. *Nos.* 74, 74. i, ii.]

May 6. *Ludlow Castle,* Margate roade.

539. Capt. St. Lo to Mr. Popple. In reply to letter of 4th, regrets that he cannot attend the Board as his ship is ordered into the Downs *etc. Signed*, Jon. St. Lo. *Endorsed*, Recd. 9th, Read 10th May, 1727. 1 *p.* [*C.O.* 194, 8. *ff.* 50, 51*v.*]

1727.
May 6.
Barbados.

540. Governor Worsley to the Duke of Newcastle. *Announces* that the *Princess Amelia* (*v.* April 18th), having had her leak soon stopped and cargo re-loaden, has sailed in company with six merchant ships for London. *Concludes*:— If they came here to dispose of their separate cargo, I hope I have taken effectual care to prevent them. *Signed*, Henry Worsley. *Endorsed*, R. June 26. 2 *pp.* *Enclosed*,

540. i. Certificate of the unloading and re-loading of 924 bales of coffee from the *Princess Amelia*, April 19–23, 1727. *Signed*, G. Maxwell, Searcher. 2 *pp.* [*C.O.* 28, 44. *Nos.* 109, 109 i.]

May 6.
Barbados.

541. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed*, Henry Worsley. *Endorsed*, Recd. 28th June, Read 28th Sept., 1727. 2 *pp.* *Enclosed*,

541. i. Duplicate of preceding enclosure. [*C.O.* 28, 19. *ff.* 1, 1*v.*, 2*v.*, 3*v.*–4*v.*]

May 6.
So. Carolina.
Charles Town.

542. Mr. Middleton to the Council of Trade and Plantations. It is with concern that I find myself obliged to acquaint you with an affaire which on its appearance threaten'd the peace of this H.M. Province. Soone after the riseing of the Generall Assembly, severall of the inhabitants assembled themselves together in different parts of the country, in a riotous and tumultuous manner, and enter'd into a conspiracy and association to maintaine each other in refuseing the payment of the tax assessed on them by the Act of Assembly for the support of H.M. Governmt., and prepared a representation directed to myself and H.M. Councill containing severe and insolent invectives against the Government in generall, accompany'd with threats, in case they should not obtaine releife in the matters which were the foundation of theire clamour. When I was informed of these proceedings I immediately called H.M. Councill, and with theire advice, issued a Proclamation (*enclosed*). But finding that it did not fully answer the end proposed, I went in person, and treated with severall of the malecontents, wherein I had soe good successe, that they dispersed themselves, and went home well satisfyed. Dureing these transactions a Member of H.M. Councill, had been obliged to comitt to prison, one of the ringleaders, he haveing got together severall persons, and endeavouring to induce them, to enter into the aforesaid measures after I had issued my Proclamation; But on the submission of his associates, wth. theire promise to give the Governmt. noe further disturbance, to appease the minds of the people, at theire request, I caused him to be released; The laws which these people cheifly complaine of, have been transmitted to your Lordships and beare the following titles, an Act *for raiseing* 27,452*l.* 3*s.* 2½*d.* *for* *defraying the charges of the Governmt., Sept.* 29, 1726–1727; an Act *for the better settleing and strengthening this Province.* I need not observe to your Lordships the necessity of the former Act, without which it is impossible to support the Government or defend the country; and as to the latter, your Lordships will easily discerne, that it was calculated to people and strengthen the country to oblige persons who are possessed of large and uncultivated tracts of land, to manure and improve them. These My Lords, were the pretences whereby they promoted the popular clamour, but yor. Lordships will perceive by theire representation (a copy whereof I thought it my duty to enclose you) that the reall cause of theire uneasiness, is the care that the Government has taken, that the Act for sincking the paper money should be effectually complyed with, pursuant to H.M. Royall comands; and the large debts they have contracted and theire circumstances being made worse, by the ceaseing of the bounty on pitch and tarr, have had no small share in theire murmuring. I hope I have effectually put a stop to any further proceedings of this nature, and shall always use my best endeavours to preserve the tranquility, as well as to promote the welfare of this H.M. Province. *Signed,* Ar. Middleton. *Endorsed,* Recd. 19th July, Read 28th Sept., 1727. 2 *pp.* *Enclosed,*

542. i. Representation of the inhabitants of S. Carolina to President Middleton. *Complain that* the country is sacrificed to the malice and extortion of ill effected men, whose punishment they have demanded, but who remain in honour and posts. They themselves are deprived of the right of being tried by their peers and neighbours, and are hall'd to town and tried, it may be an hundred miles from home. "Thus our Courts are only a name, and we are forced to pay a Judge £1,000 for whom no punishment is too great, 'tis he and his brethren that has subverted the laws, injur'd every man's property, and ruined many besides *etc.* He is continued, tho' our Representations have proved, and voted his proceedings arbitrary and illegall, and a sett of men besides proved and voted in a combination against us, yett remain in honour" etc. We are left a sacrifice to griping lawyers and also to extortioners, who very often make us pay three or four times as much as is their just due and this for want of a good tender law of country produce, or a sufficient quantity of paper bills for the trade of the Province *etc.* We have not half bills enough yet we must get them or our estates be sold for a quarter of their value *etc.* *Complain* that the taxes are augmented, their crops near half lost, the bounty of pitch and tarr make that produce

of little value, which was the third part of their trade, "all which the impossibility of commanding bills makes us unable to pay the tax and the calling in £15,000 just upon payment of tax plainly shews that some men design the ruin of the Province" *etc.* Your honour knows how unjust the tax is laid on us, the aged, sucklings, decrepped, pay the same tax as the best negroes, besides the unjustness of the land tax, some paying 10/- for land others 15/- for such as is not worth the 20th part as much, which is plain to us, that designing men have a mind to take away our just property *etc.* As for us the inhabitants of Santee and Wineau, tho' wee have paid so many taxes, yett none of it is applyed to our service in order to make a port, tho' we have the best conveniency in the Province for trade, a fresh water river, no worms *etc.*, which damages us £10,000 a year by carrying our produce to town *etc.* Demand the calling of the Assembly to redress their wrongs *etc.* *Same endorsement.* 2 *pp.*

542. ii. Proclamation by President Middleton, 21st April, 1727, charging all officers and loyal subjects to disperse such unlawful assemblys and to apprehend offenders, divers seditious and turbulent persons having assembled in a riotous, tumultuous and unlawfull manner and entered into a conspiracy and association to disturb the peace *etc.* *Signed*, Ar. Middleton. *Same endorsement. Copy.* 1 *p.* [*C.O.* 5, 360. *ff.* 17, 17*v.*, 18*v.*–19*v.*, 20*v.*–21*v.*]

May 8. Admty. Office. **543.** Mr. Corbett to Mr. Popple. The Instructions to H.M.S. *Argyle etc.*, being now ready, *asks for* Heads of Enquiry *etc.* (*v.* 2nd May). *Signed*, Tho. Corbett. *Endorsed*, Recd. 8th, Read 9th May, 1727. *Addressed.* ¾ *p.* [*C.O.* 194, 8. *ff.* 48, 49*v.*]

May 9. New York. **544.** Governor Burnet to the Duke of Newcastle. *Acknowledges* letter of 18th Jan., enclosing one from Lord Clinton. He has done all that was possible to serve him by recommending proper persons to be entrusted with his case, but could not himself be concerned in the prosecution, as he might have had to hear the case on appeal or in Chancery *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 817, 818. *Signed*, W. Burnet. *Endorsed*, Rd. July 3rd. 1¾ *pp.* *Enclosed*,

544. i, ii. Duplicates of following letter and *No.* 549 i. [*C.O.* 5, 1092. *Nos.* 53, 53. i, ii ; *and* (*duplicate of covering letter only*, endorsed, R. Augt. 11th), 5, 1085. *No.* 60.]

1727.
May 9.
New York.

545. Governor Burnet to the Council of Trade and Plantations. Hearing that previous packet was safely delivered, does not send duplicates. *Continues*:—I have this spring sent up workmen to build a stone house of strength at Oswego, at the mouth of the Onnondages River, where our principal trade with the far Indians is carried on. I have obtained the consent of the six Nations to build it, and having intelligence that a party of French of ninety men were going up towards Niagara, I suspected that they might have orders to interrupt this work, and therefore I have sent up a detachment of sixty souldiers with a Captain and two Lieutenants, to protect the building from any disturbance that any French or Indians may offer. There are besides about 200 traders now at the same place, who are all armed as Militia, and ready to join in defence of the building and their trade *etc.* The French can have no pretence for doing it, but their lately building a Fort at Niagara contrary to the last Treaty makes me think it necessary for us to be on our guard against any attempts they may make. When the house is finished it will be sufficiently strong against an attack with small arms, which is all that can be brought thither, and I intend to keep an Officer and twenty men always in garrison there, which will be of the greatest use to keep our Indians true to us, it being near the center of all the six Nations, and lying most conveniently to receive all the far Indians who come to trade with us. My Lord Bellomont intended to build a fort near this place *etc.*, but the design was laid by upon his death. The Assembly provided £300 last fall for this service *etc.*, but I have been obliged to lay out more than double upon my own credit, to furnish necessaries, workmen, and make battoes *etc.*, for it is all water carriage from our outmost town, Schennectady, about 200 miles, except five miles, where they must draw their battoes overland *etc.* I hope the Assembly will supply this deficiency *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 818, 819. *Signed*, W. Burnet. *Endorsed*, Recd. 3rd July, Read 20th Sept., 1727. 3 *pp.* [*C.O.* 5, 1054. *ff.* 169–170*v.*]

May 9.
Whitehall.

546. Mr. Popple to Mr. Burchett. *Encloses* Heads of Enquiry for the Commodore of the Newfoundland Convoy. *Same as those* for 1725 *v.* C. S. P. April 21st, 1725. *Continues*: My Lords desire that the Commadore may be directed for the future, to be more punctual in his answers, Capt. Bowler not having return'd such particular answers as my Lords expected to the 20th, 24th, 25th, 37th and 45th Articles. I am further to desire, that for the future, more time may be allowed, for preparing the said Heads of Enquiry; my Lords not having yet had an opportunity of discoursing with Capt. St. Loe, to whom Capt. Bowler has referr'd himself, for his answer to certain of the said Queries. [*C.O.* 195, 7. *pp.* 151, 152.]

1727.
May 10.
New York.

547. Governor Burnet to the Duke of Newcastle. Repeats gist of *No.* 545. *Signed,* W. Burnet. *Endorsed,* Rd. July 3rd. 2½ *pp. Enclosed,*

547. i. Duplicate of *No.* 545. [*C.O.* 5, 1085. *Nos.* 61, 61 i; *and* (covering letter only, *endorsed* Rd. 11th Aug.) 5, 1092. *No.* 54.]

[May 11].

548. State of Col. Spotswood's seating, cultivation and improvements of his lands, showing the houses, buildings, stock, planting and clearing *etc.* on the Alexandra tract of 28,000 acres, Spotsylvania tract of 40,000 acres and Ironmine tract of 15,000 acres would entitle him to retain 142,360 acres according to the Law of Virginia. 1½ *pp. Enclosed,*

548. i. Order of Spotsylvania County Court, Oct. 5, 1725, for above appraisement, on the petition of Col. Spotswood *etc. Signed,* John Walter, Cl. Cur. 1 *p. The whole, endorsed,* Read 11th May, 1727. [*C.O.* 5, 1320. *ff.* 137–138*v.*]

May 12.
New York.

549. Governor Burnet to Mr. Popple. *Encloses following. Promises* map of New Jersey *and explains* Surveyor's difficulties in making one. *Regrets* to hear that leave is not given to apply the interest money to the current service *etc.* Has been obliged to adjourn the Assembly till after the harvest, and does not expect to meet them in any good humour, since they must meet at their own charge *etc. Set out,* N.Y. Col. Doc. V. 820 *and* N. J. Archives, 1st Ser. V. 163. *Signed,* W. Burnet. *Endorsed,* Recd. 3rd July, Read 20th Sept., 1727. 1½ *pp. Enclosed,*

549. i. Account of the inhabitants of New Jersey. *Totals,* Whites, 29,861. Negroes, 2,581. *Set out,* N.Y. Col. Docs. V. 819. *Endorsed as preceding.* 2 *pp.* [*C.O.* 5, 972. *ff.* 137–138*v.*, 140, 140*v.*, 143*v.*; *and* (*duplicate of enclosure only*) 5, 980. *No.* 43; *and* (*duplicate of covering letter only, endorsed,* Recd. 10th Aug., Read 20th Sept., 1727.) 5, 1054. *ff.* 171–172*v.*]

May 12.
Whitehall.

550. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*

550. i. *Same* to the King. *Representation upon* Col. Spotswood's petition, 27th July, 1726, *quoted. State* circumstances in which Col. Spotswood became possessed of 9 tracts of land in Virginia, making; 85,027 acres in all, *as set out,* A. P. C. III. *pp.* 168–170. *Continue:*—Of these 9 tracts all but two were patented in or before 1719, and we believe were regularly granted according to the custom of the Province, upon the payment of rights, and subject

to the usual quit rents. Of Col. Spotswood's possessions, we find, that he has 25,241 acres in Spotsylvania which before the erection of this new county were included in other counties, and subject to the payment of quit rents ; But if your Majesty should grant the prayer of his petition in general, this land so included in Spotsylvania county, would be exempt from paying any quit rents to your Majesty, for the term of seven years, as well as the land lately taken up there. As to the two tracts (abovementioned), vizt. the Spotsylvania tract of 40,000 acres, and the tract of intervening lands of 19,786 acres, as they were not regularly taken up and patented, according to the custom of Virginia, we shall take leave to inform your Majesty, wt. this custom was, and also wherein the method taken by Colo. Spotswood for granting the new lands patented in Spotsylvania, did differ from the antient custom. Your Majesty's Governors of the Colony of Virginia, by virtue of their Commissns. have been impower'd by and with the advice of your Majesty's Council there, to settle and agree with the inhabits. for such lands, tenements and hereditaments as should be in your Majesty's power to dispose of, and them to grant to any person or persons upon such terms, and under such moderate quit-rents, services and acknowledgments to be thereupon reserv'd unto your Majesty, as they, by and with the advice aforesaid, should think fit ; and by ancient custom this discretionary power has been limitted in the following manner, vizt., till 1702, no person was entituled to take up lands in Virginia, without producing authentick proof that he had imported one white servant for every 50 acres of land petitioned for, and a quit rent was always reserved thereupon to the Crown, of 2*s*. for every 100 acres ; but in 1702, by regulation then made in the Council of Virginia, the takers up of land were at liberty either to produce the ancient importation right, or to pay 5*s*. for every 50 acres of land contain'd in their patents, in both which cases any person was at liberty to take up land without limitation as to the quantity of acres ; and we do not find that this custom has at any time been broke in upon, with respect to rights or quit rents, except in the grants made of land in the two new erected counties (*Spotsylvania and Brunswick counties*). But after the Assembly had petitioned your Majesty for an exemption of rights, and of quit rents, for a certain term, in these new erected counties, without waiting

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to know your Majesty's pleasure thereupon, and presuming that your Majesty would be graciously pleased to grant whatever they desired in that respect, the Governr. and Council of Virginia did grant land, in a method never before practised, that is to say, instead of demanding either money or importation rights, conditional bonds were taken from the Patentees whereby they were obliged to pay or produce those rights in case your Majesty should think fit to demand them: and this form of a bond was afterwards varied into another shape, whereby the Patentees had their option either to pay the rights when demanded, or relinquish the land: But we do not find that Colo. Spotswood has either paid rights, or given security for his Spotsylvania tract of 40,000, or for his intervening tract of 19,786. Wherefore your Majesty's Attorney and Solicitor Genl. are of opinion, that these grants are in consideration of law, a deceit upon the Crown, and may be repealed, if it shall be your Majesty's pleasure. We do find however that Col. Spotswood did some time after he had been superseded in that Governmt., offer his bonds to become answerable for ye rights and wrote to the Deputy Auditor, to acquaint him, that he was ready to pay whatever were the demands of the Governmt. upon him; but it being then thought that the acceptance of Colo. Spotswood's bonds, would be a confirmation of his grants, his bonds were refused by the Deputy Auditor, until your Majesty's pleasure could be known; and your Majesty's Attorney and Solicitor General are of opinion that a tender from Colo. Spotswood of the consideration, mentioned in his grants, without your Majesty shall think fit to accept thereof, will not make them valid *etc.* We beg leave humbly to submit to your Majesty whether any particular dispensation may be granted to Colo. Spotswood, so far as relates to the quantity of land taken up by him in Spotsylvania county; and whether he may be allow'd to hold the same free from rights, and likewise from quit rents, for the term of seven years, specify'd in the Lds. Justices Instructions, in consideration of his services as Lt. Governor, and so much the rather, because Colo. Spotswood does aver, and has likewise offered, some proofs to us, of his having imported numbers of white servants, and of having made such improvements upon the lands in question, as would have entitled him to have held a greater quantity of lands than those he now possesses, had the same been regularly taken up before the Lords Justices Instruction, and not subject to the restrictions therein specify'd for seating these new counties. [*C.O.* 5, 1365. *pp.* 324–335.]

May 13.
St. James's.

551. Order of King in Council. The Council of Trade and Plantations are to prepare a draught of Instructions for Governor Hunter pursuant to the report of the Committee of Council upon the proceedings and Assembly of Jamaica, on the draught of the Revenue and Perpetuity bill *etc.* *The report is set out,* A. P. C. III. *pp.* 79–81. *q.v.* *Signed,* Robert Hales. *Endorsed,* Recd., Read 17th May, 1727. 3½ *pp.* [*C.O.* 137, 16. *ff.* 367–368*v.*, 369*v.*]

May 13.
Virginia.

552. President Carter to the Council of Trade and Plantations. *Acknowledges* letters of 26th Oct. and 2nd Nov. *Continues* :—As to the case of the *John and Betty* mentioned in the latter, I beg leave to assure your Lordps. that there never was any intention to injure the owners, or to oblige them to an illegal payment on the dutys on their rum ; on the contrary the money has remain'd in the Officer's hands, in expectation of their proving the arrival of the ship before the time that duty commenced, but as that is a fact which can only be made appear by the testimony of the crew on board (for the ship was not entered at the Custom house till five days after) I hope the Officer was not to blame for insisting on the paymt. of the dutys till that point was sufficiently proved, and whenever it is the owners may have their money repaid, according to a resolution of the Council (*v.* Minutes, 21st June). I was under no smal concern on the receipt of the letter from your Lordps.' Secretary to find myself charged with neglecting to dispatch the Journals of the Assembly, till I recollected that I had forwarded duplicates of all the Assembly proceedings in the last Session held by the late Governor, and that I was assured your Lordps. would not fail to observe from the prorogation made by the Governor, that there could be no session of Assembly at the time that letter was writt *etc.* *Encloses* Journals of Council to 6th inst., "in which there are but few transactions that require a particular observation." *Continues* :—For tho' the quarrell between the Sapony Indians tributary's to this Government, and the Tuscoruros living within the limits of N. Carolina. (*v.* Minutes 2nd Feb. and 26th April) is like to produce open hostilitys between these petty Nations, yet I am not apprehensive of any consequence it can have on the publick peace of this Colony ; I rather hope it may remove from our neighbourhood that remnant of the Tuscoruro Nation who have been most noxious to our frontier settlements. The accots. of quit-rents enclosed *etc.* will show the encreases of our new settlements, as that of the 2*s.* a hogshead will demonstrate

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that the late Act limiting the planting of tobacco, has made no diminution of our export *etc.* The publick prints giving reason to believe that a war is intended between H.M. and the Crown of Spain it has been judged necessary to order the merchant ships to sail hence in fleets under the convoy of the man of war on this Station, who from time to time, as they can get ready, will see them safe off this coast, and I hope will prevent any attempt from the Spanish privateers of St. Augustine *etc.* *Signed,* Robert Carter. *Endorsed,* Recd. 18th July, Read 28th Sept., 1727. 2¾ *pp.* *Enclosed,*

552. i. Account of H.M. Revenue of quit-rents, 25th April, 1726–1727. *Totals:* Receipts (including balance brought forward of £7,160 2*s.* 6*d.*) £9,815 17*s.* 3½*d.* Expenditure (including payment to H.M. warrant to Peter Leheup of £5,512) £6,538 13*s.* 5¼*d.* *Signed and sworn to in Council by,* John Grymes, Recr. Genll. *Audited by,* Nathl. Harrison, Depty. Audr. *Endorsed,* Recd. 18th July, 1727. 4 *pp.*

552. ii. Account of H.M. Revenue of 2*s.* per hhd., 25th Oct., 1726—25th April, 1727. *Totals:*—Receipts (including balance brought forward of £4540 5*s.* 3½*d.*) £6,386 17*s.* 10*d.* Expenditure, £1,726 4*s.* 5¼*d.* *Signed etc. and endorsed as preceding.* 4 *pp.*

552. iii. Proclamations by President Carter (i) 1st Feb., 1726(7), proroguing the Assembly to 11th May and (ii) 21st April, 1727, proroguing Assembly to 6th Sept. (iii) 21st April, 1727, for keeping a day of fasting, humiliation and intercession on 10th May, it having "pleased Almighty God for the punishment of our sins to afflict this Colony with a long and violent sickness and grievous mortality" *etc.* (iv) 26th April, 1727, offering reward of £10 for the apprehension of John Prowse, who last November at a horse-race on Maherine River did assault a Saponie Indian, setting fire to his cloths whilst he was asleep, so that he died *etc.* *Signed,* Robert Carter. *Same endorsement.* 2¾ large *pp.* [*C.O.* 5, 1320. *ff.* 153–157*v.*, 158*v.*, 159, 160, 161, 161*v.*]

May 14. *Argyle,* in the Downes.

553. Commodore Bouler to Mr. Popple. In response to his letter to the Admiralty Board encloses following. *Signed,* E. Bouler. *Endorsed,* Recd. 15th May, Read 8th June, 1727. 1 *p.* *Addressed.* *Sealed.* 1 *p.* *Enclosed,*

553. i. Replies to Heads of Enquiry relating to Newfoundland Fishery, *Nos.* 20, 24, 25, 37, 45. 3 *pp.*

553. ii–xv. Bonds taken by Commodore Bouler from New England masters, obliging them to take away from Newfoundland only such men as bona fide belonged to their ships, unless with Capt. Bouler's permission.

Bonds in £500 each given, signed and sealed by Roger Dench, 5th Oct., 1724 and 28th Sept., 1725; John Miller, 4th July, 1724 and 8th Sept., 1726; Benjamin Parsons, 9th Oct., 1724; Benjamin Norton, 9th Oct., 1724; Hezekiah Eggelstone, 12th Sept., 1724; Richard Mumford, 9th Oct., 1724; Joshua Pickman, 1st Oct., 1725; John Clarke, 22nd Sept., 1725; John Ela, 18th Sept., 1726; John Moore, 9th Sept., 1726; Nathaniel Freeman, 14th Sept., 1726; Joseph Linton, 1st July, 1726. *Endorsed*, Recd. March 15th, 1727. *Sealed.* 14 *pp.* [*C.O.* 194, 8. *ff.* 86, 87–88, 89*v.*, 90, 91, 92, 93, 94, 95, 97*v.*, 98, 99, 100, 103*v.*, 104, 105, 106, 107, 108, 114*v.*]

[May 15]. *Date of receipt.* **554.** Governor Hart to the Council of Trade and Plantations. *Encloses* affidavits to show that Mr. McDowall's complaint is groundless, malicious and unjust, and only contrived to calumniate his character *etc. Continues*:—In 1712 Governor Douglas made a grant for three years to several persons in trust for his son John Douglas of a plantation of 500 acres in the late French part of St. Christophers, which bounded on the east side with the tops of the Canada Hills, and likewise a grant to McDowall of a plantation upon those hills, bounded on the west side likewise with the tops of them. Lt. General Mathew renewed the grant for 2½ years in Jan. 1715 to the same trustees for Mr. Douglas for 504 acres, and though described in a shorter manner *etc.* alwaies understood to be the same lands. Mr. Hamilton succeeding, and having been at great variance with Mr. Douglas during his administration, would never renew the grant to his son. But the trustees obtained a signification to him of H.M. pleasure, 31st Dec. 1718, that Mr. Douglas should remain in the quiet enjoyment thereof till H.M. should think fit to dispose of that part of St. Kitts *etc.*; and enjoining Mr. Hamilton, in case he had given any grants to dispossess the Trustees, that he should recall the same, which order was reinforced by another letter from Lord Carteret, 14th Sept., 1722 *etc.* Mr. Douglas' father had stock't this plantation, and he or his Lady had the management of it till his son came of age, 1723. General Douglas, being streightned in his circumstances had borrowed money of one Mr. Barnardiston a merchant of London, for which he mortgaged not only his own stock, but his son's plantation too. But they never received any disturbance in their possession (claiming a right up to the very top of the Canada hills) till the latter end of 1721 ten years after Mr. McDowall had a grant for his plantation which on that side did adjoyn to it. Then it was that Mr. McDowall sett up a claim to some lands below those hills, and (Mrs. Douglas being then in England, her son in England and the affairs of their family in great confusion) entered upon and

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planted the peice of land now in question, which contains little more than three acres, and whereon his canes grew which he complains I destroyed; and without any legal process, but by the force of his own will only dispossessed them. Your Lordships will observe by (*enclosed*) proofs, that opposition at this time was made to him, by Mr. Douglass' son in law and Mr. Barnardiston's agents, and tho' it was not so vigorous as in all likelyhood it would have been if Mrs. Douglas had been present, yet tis probable it would have been more effectual, if the persons that represented Mr. Barnardiston and Mrs. Douglas had not been amused and deluded by the fair promises of McDowall to refer the matter to the Surveyor *etc.* Mrs. Douglas being dead, and his father in a way rather of consuming than advancing his son's fortune, the latter thought it would be most prudent to stock and settle his land upon his own bottom, and to make some provision for the purchasing thereof when H.M. should come to a resolution to sell the same *etc.* He therefore proposed that if I would lend him £1,000 sterl. upon his own security, when those lands should come to be sold, and pay him £100 guineas a year in the mean time, he would resign his interest in part of his plantation to me *etc.* Deeds were executed accordingly, and I have advanced the £1,000 to him which has enabled him to purchase 200 acres out of the remaining part of his plantation *etc.* *Encloses* plan of grant so divided. *Explains that* upon first coming to his government, and finding Mr. Douglas possessed of so large a plantation as 500 acres, which was double the quantity held by any other subject, and much greater than he could occupy, he made a grant of 200 acres of it to himself, but when he applied to H.M. for confirmation thereof, Lord Carteret signified H.M. pleasure that Mr. Douglas should retain the whole plantation, 1st June, 1723, *etc.* *Continues*:—Mr. Douglas could not cultivate it all himself, but his design was to draw money out of my pockett, and thro' me to serve his own purposes another way, and therefore upon receiving H.M. pleasure as aforesaid, he made the *above* proposal to me.

Mr. Douglas's affairs being in this state, and he being molested in other parts of his plantation by other people and by one Mr. Ward, who had dispossessed him of 30 acres, which Governor Hamilton never thought fit to restore him to, altho' he had received express *orders* to do so, 30th Nov., 1720, he served me with all these Orders and required me to put H.M. commands in execution, and since he had no formal grant since Mr. Mathews's, which had been long expired, desired that I would pass him a grant in the same terms as the first, which I thought I was bound to do, and directed him to prepare a grant to be laid before me in Council. When this grant was offer'd in Council Mr. McDowall was the only person that appear'd to oppose it, pretending that he was in possession of and had a grant for some of the lands contain'd in it, and particularly the land now in dispute, and that H.M. had signified to me by my Lord Carteret that he should remain in the quiet enjoyment of the lands he so possess'd. By my agreement with Mr. Douglas, being now become a party in this question, I desired Mr. McDowall to produce his grant to the Council *etc.* for their opinion, but he refused, and therefore I passed the grant to Mr. Douglas, and had the unanimous concurrence of the Council therein. Mr. McDowall was not in possession of the lands till 4th March following the date, 13th Feb. 1722, of Lord Carteret's letter signifying that it was H.M. pleasure that he should remain in possession of the lands he then possessed. As the dispute with Mr. McDowall now fell upon me *etc.* I endeavoured to adjust it by amicable means, and we came to a mutual agreement that the bounds between us should be settled by H.M. Surveyor General, who had surveyed both plantations before this dispute began *etc.* But when the day came, Mr. McDowall flew from that agreement *etc.* However the Surveyor shewed me the bounds of his plantation, which were the same as McDowall had himself shown him two years before, and it thereby appeared that this piece of land was not any part of his plantation *etc.* Still I was willing that he should reap the cane that was then growing upon this land, which was a rattoon cane (that is a cane that grows from the root a second time, after the first cane which is called a plant cane has been cutt, without any manure or labour, but only to free it from the weeds), and tho' this is a cane which comes to its perfection in twelve months: yet I waited above 18 to give him an opportunity of cutting it *etc.* When it was manifest that it was unfit for making of sugar *etc.*, and in all appearance he had no intention of doing anything with it, I gave orders for planting the land, not imagining that he had any purpose of further continuing the dispute *etc.* As to the charge of destroying his provisions, no such thing was ever done by my direction *etc.* But as we both of us give the skirts of our plantations to our negroes to plant provissions for their own use in, it is very possible that they may have committed some trespass's of this kind upon one another. This is what happens in every plantation, and what no man can altogether prevent, but I have taken as much care to do it as possible, and always given directions for punishing my negroes whenever I have heard of any such thing *etc.* I don't find the damage amounts to 10*s.* *etc.* Thus the matter stood when Mr. McDowall left this island in 1723 *etc.* *Expatiates* upon his refusal to produce the grant he pretended to have for this land *etc.* *Concludes*:—If I am justified by your Lordships, (as I trust I shall) I don't see but that Mr. McDowell's ends will for the most part be answered, unless your Lordships can find out some methods to make me some reparation for the

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expence and vexation he has put me to *etc.* I hope your Lordships will consider it; and how hard the case of a Governor must be, if he is to be thus vext and troubled, for obeying the King's commands, without redress. And that this complaint was exhibited with no other veiw, will appear the more plain, when your Lordships consider not only the insignificant quantity of land; but that this complaint was made after H.M. had issued a Commission for sale of these lands, by which no person was to be allowed to purchase more than 200 acres, and that Mr. McDowall without this had more than 300 in his possession *etc.* *Submits* whether a man who has shewn so little reverence to the authority vested in H.M. Governour, and treated it so contemptuously, can be thought a friend to his service, or worthy of the honour of sitting any longer in H.M. Council here. *Signed,* Jo. Hart. *Endorsed,* Recd. 15th May, Read 28th Sept., 1727. 13 *large pp.* [*C.O.* 152, 16. *ff.* 4–10*v.*]

May 16. **555.** Petition of London merchants trading to, and some of the inhabitants of Bermuda now in London to Lord Townshend. The Governor, John Hope, having by his oppressive methods practised for several years past very greatly injured the trade and welfare of the said islands, hath occasioned several complaints to be exhibited against his administration. But he still continues to impede the lawfull and usual course of trade, to cause the inhabitants to be illegally imprisoned *etc.*, so that several have been obliged to depart to avoid his arbitrary and illegal severities. The said complaints (by having been long since depending) are become very expensive to petitioners and ruinous to the inhabitants *etc.* *Pray for relief.* *Without signature or endorsement.* 1 *p.* [*C.O.* 37, 26. *No.* 38.]

May 17. **556.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of Antigua laying a powder duty on vessels trading thither. *Signed,* Fran. Fane. *Endorsed,* Recd. 31st May, Read 1st June, 1727. 1 *p.* [*C.O.* 152, 15. *ff.* 349, 350*v.*]

May 17.
St. James's. **557.** H.M. sign manual approving the election of six new Fellows of St. Paul's College at Bermuda to make up the number of nine *etc.* *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 329, 330.]

May 17.
St. James's. **558.** H.M. Warrant granting leave of absence for six months to the Governor of Bermuda. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 332, 333.]

May 19.
Boston. **559.** Mr. Willard to Mr. Popple. *Encloses* Minutes of Council of the Massachusetts Bay, Aug.—Feb. last, and of

Assembly, for sessions in Aug. and Nov., with Acts passed in November Session. *Signed*, Josiah Willard. *Endorsed*, Recd. 30th June, Read 5th July, 1727. ¾ *p.* [*C.O.* 5, 869. *ff.* 452, 453*v.*]

May 19. Whitehall. **560.** Council of Trade and Plantations to the Duke of Newcastle. Enclose extracts of Col. Hart's letter, 5th March, and affidavits relating to "the Spaniards having seized several English vessels trading at Sta. Crux, an island belonging to that Government, as also an account of the cargoe of a Spanish ship stranded at Barbuda, being retain'd at Antegoa." *Autograph signatures.* 1 *p.* *Enclosed*,

560. i. Extract of Governor Hart's letter, 5th March, 1727.
560. ii–vi. Copies of depositions, 5th March, encl. i–v.
560. vii–xii. Copies of April 10 encl. i–vi.
560. xiii. Extract of Governor Hart's letter April 10th, 1727.
560. xiv–xv. Copies of April 10 encl. vii, viii. [*C.O.* 152, 40. *Nos.* 19, 19 i–xv; *and* (*without enclosures*) 153, 14. *p.* 233.]

May 22. St. James's. **561.** H.M. Warrant to Attorney and Solicitor General to prepare a bill appointing Bryan Wheelock Clerk of the Markets in Jamaica. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 333, 334.]

May 24. **562.** Extract of a letter from a Merchant in S. Carolina to a Merchant in London. I suppose you'l have an account of the tumult there is amongst the people here, especialy in our Northern parishes, which is now grown to that height, that its to be wished it don't turn to an insurrection or at least a desertion of many of those people to Cape Fear (some already being gone much in debt) where they think their creditors can't reach them *etc.* *Refers to* their Representation, *v.* 6*th May.* *Continues*:—The ground of all is, to be relived in paying their debts by a tender law: under these circumstances it would be well we had a King's Government established and a Governor sent over immediately to awe matters, with particular instructions to have Cape Fear ascertain'd in this Governmt., for if that it is allowed to be a place of refuge for debtors, those of ability as well as insolvent, will fly there but indeed all well wishers to this Frontier Province (especialy at a time when there are so great apprehensions of warr) ought to use their utmost endeavours to prevent anything being obtain'd that will encourage yt. Settlement, which (from this Province) is now promoted chiefly by Mr. Moor who has hopes or rather assurances from some now at home to have it a Government independant from this or No. Carolina: I only here hint to you the fatal consequences that will attend this Government on this account and to lett you know the

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apprehensions of the country in generall under the desertion of many of its inhabitants. We hear there is to be another generall meeting of those men in a few days on being disappointed by the President and Councill last week, the chief of which was to call the Assembly. *Endorsed*, given in by Governor Nicholson (*to the Duke of Newcastle's Office*). *Copy.* $\frac{3}{4}$ *p.* [*C.O.* 5, 387. *No.* 75.]

May 25. **563.** Governor Philipps to the Council of Trade and Plantations. Being informed that the state of affaires in the province of Nova Scotia lyes at this time under your Lordships consideration in order to report the same to H.M. Councill; it is to be hoped that the happy juncture is at hand for putting that country into a posture of security and way of settlement, toward which no time ought to be lost, everything there wearing the face of ruin and decay, and allmost every countenance despaire. *Refers to former Memorials and again recommends* repair of the fort of Annapolis Royal, "there being now breeches in the ramparts sufficiently wide for 50 men to enter abreast" and the settlement or riddance of the French inhabitants. *Continues:*—As downright force cannot be proper to secure their *allegiance*, nor the Governmt. in a condition to enforce their *departure*, it is my humble opinion that two barracks be erected at the head of the Bay, the one at Minas for two companys, the other at Chignecto for fifty soldiers, so scittuated as to countenance the settling of naturall born subjects near to those French (who in time may teach them their duty) and allso to be a check to theire behaviour, and theire traffick and correspondence with the neighbouring French Colonys, which they now carry on at pleasure, and is the chief means of theire disafection and impudent contempt of and independance on the Government; it is proposed that those barracks be things of little expence only ditchd about and picketed. Canso is at present the place of most consequence in regard to the *Fishery etc. Recommends* the building of a fort there. The temporary lodgings of the four companies built five years ago are now so rotten that the garrison will hardly be able to subsist there over next winter *etc. Recommends* the refitting of the vessel built for the protection and communications of the Province, which has been laid up for four years for want of orders and an establishment. To settle the country, *proposes* that every recruit sent over should carry his wife and after 3 or 4 years service be set free and given land, the Government to pay charges of transportation. The restrictions in the Governor's Instructions relating to grants of land now require amendment. The quantity of land stipulated therein for Adventurers is not sufficient incouragement by one halfe. The reservation of timber for H.M. use may be sufficiently secured by other methods then putting a barr to all grants

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till such lands shall be survey'd and sett apart, which may postpone any settlement there for yeares to come *etc.* *Signed,* R. Philipps. *Endorsed,* Recd. 26th May, Read 2nd June, 1727. 3 *pp.* [*C.O.* 217, 4. *ff.* 373–374*v.*]

May 31. Whitehall. **564.** Council of Trade and Plantations to the King. *Representation upon* Petitions of merchants and traders to Jamaica and of South Sea Company, 10th Dec., 1724 [*v.* A. P. C. III. *pp.* 72, 73], upon both which petitions we should have long since made our Repn., but that we waited for further information from Jamaica. We have been several times attended by the parties *etc.* In 1717, upon a former complaint by the South Sea Company your Majesty was pleased to give an Instruction to Sir N. Lawes, not to give his assent to any law that should lay a duty on the re-exportation of negroes brought into the said Island for refreshment only; and much less on such as only touch there, without landing; however the Assembly were to be at liberty to lay such tax on the negroes of that Island bought there, as they should think fit; But this Instruction having been sent directly to Jamaica by one of your Majesty's principal Secrys. of State, and as we were not appriz'd thereof, it was omitted, in those which we prepared for His Grace the Duke of Portland. Upon perusal of several Acts passed since that time we do observe that they have not been strictly conformable to the tenor of the said Instn. and that the said Instruction was in some particulars deficient; wherefore we have prepar'd another for the same purpose, which we shall humbly lay before your Majesty, with the other Instructions which we are preparing for Major Genl. Hunter. *The South Sea Company complain,* that they have paid duties for slaves landed for refreshment only, *and* for whole ships cargos for having only sold some part of such cargos in the Island; that they have been charged with duties in general for slaves exported, and that the duty laid upon flower is a great burthen upon trade. As to what concerns the duty on negroes, brought into Jamaica, or landed there only for refreshment; we shall make full provision in the said Instn., and shall likewise take care, by the said Instn., for the future that the whole cargo of any ship loaden with negroes, shall not be charg'd with duties, because some part of the said cargo only, shall have been sold in the Island. But as to what relates to the sum of money said to have been collected on negroes exported in general; as it does not yet appear to us, whether that mony was collected upon negroes landed for refreshment only, or whether the same was paid for negroes bought in the Island; we would humbly propose, that yor. Majty.'s Govr. may be directed to enquire into this matter upon his arrival there, and to report a true state thereof to your Majesty. As to the Acts complain'd of, altho' some of

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them may not have been strictly conformable to the intention of your Majtys. Instruction, we cannot say that they were directly opposite to it, and the money raised by those Acts, which were annual, has been already collected and applied to the support of your Majesty's Government there. It is observeable that the prayer of the Companys petition runs in general terms, desiring that "for the future the Assembly may be restrained from passing any Acts for laying duties on the importation and exportation of negroes and flower to and from the said Island on account of the Assiento," whereby they would be exempted even from the duty laid upon slaves, by them bought in the Island of Jamaica, which is directly contrary to the design of your Majesty's former Instn., and would be likewise highly unreasonable, because the buying of slaves in Jamaica by the South Sea Company, makes the price of negroes much dearer to the inhabitants, which will be in time a great load upon the sugar trade, wherein we are already outdone by some of our neighbours. As to what concerns the duty upon flower, we conceive there can be no pretence to exempt the Compa. or private merchts. from the payment thereof, in as much as this would lay the Island under great difficulties and inequalities of trade, especially at a time, when they are necessarily obliged to pay several other taxes and duties for the support of your Majesty's Govt. there. [*C.O.* 138, 17. *pp.* 136–145.]

May 31. St. James's. **565.** Order of King in Council. Appointing Cornelius van Horn to be Councillor of New Jersey, *as proposed* 23*rd Feb. Signed,* Robert Hales. *Endorsed,* Recd. 11th, Read 13th Sept., 1727. 1½ *pp.* [*C.O.* 5, 972. *ff.* 136, 137*v.*]

May 31. St. James's. **566.** Order of King in Council. Approving draught of Instructions to Lord Baltimore, relating to Acts of Trade and Navigation *etc. Signed and endorsed as preceding.* 1¼ *pp.* [*C.O.* 5, 1267. *ff.* 1, 1*v.*, 2*v.*]

May 31. St. James's. **567.** Order of King in Council. Appointing William Dandridge to the Council of Virginia, as proposed 22nd March. *Same signature and endorsement.* 1½ *pp.* [*C.O.* 5, 1320. *ff.* 141, 141*v.*, 142*v.*]

May 31. St. James's. **568.** Order of King in Council. Appointing John Custis to the Council of Virginia, as proposed 29th March. *Same signature and endorsement.* 1⅓ *pp.* [*C.O.* 5, 1320. *ff.* 143, 143*v.*, 144*v.*]

May 31. St. Christophers. **569.** Genl. Mathew to the Council of Trade and Plantations. *Reply to* 28*th Feb.*, and Address of Assembly for account of money given him for building a fortification *etc.* Permit me to lay before you a detail of that affair, and without any remark of my own on this behaviour to me *etc.* Mr. Meure had had long since my answer to this Address, if it had not been kept so private, that I had not the least notice of it, till about a fortnight before Mr. Popple's letter came to me, by one from Mr. Meure. Nor can I meet a Gentleman in the Island was privy to it, except the very few concerned. Even some of the Members of that Assembly that made this Address never saw it, as they now assure me; and the whole Assembly consists but of twelve members, of these seven are a house, and of these four are a majority. This Island has been very many years without a prison. Summes of money had been rais'd from year to year by the Legislature for building one; and still 'twas lavish'd and misapply'd. Till in 1720 I offer'd voluntarily to take the trouble upon me of directing the building one, and the island voted £1,000 for that purpose. I follow'd it close, finish'd it with great speed for £763 13*s.* 9*d.* and returnd to the island the remainder and had not one single shilling for my pains or trouble. My accounts are entered among the Minutes of Council, doubtless long since in your Lordships' office *etc.* The island at that time renew'd again an old resolution long since taken of fortifying Brimston Hill, and which like the others about a prison had all been as abortive. This I voluntarily undertook for them at their request, and they gave £1,500 to expend for that service, which I went upon, expended that money, and render'd an account as candid and as disinterested as the former *etc.* *Refers to* transcript in the Minutes of Council. Upon this I was honour'd with votes of thanks and fine compliments, and as I had then been their Lt. Govr. about six years, and never had had the least present from this island, and as they had then settled £2,000 a year on General Hart, he prevaild on them to make me a present of £1,000, that is almost £700 sterl., for the services they said I had renderd to them *etc.* 7th June, 1722. This £1,000 was to be paid me somehow, some time or other, vizt., £500 from a desperate debt due to the island, and not paid them to this day. But they since took this upon themselves, and paid it me out of the Treasury two years after, the other £500 was to be out of the next tax should happen to be raisd. What I had done hitherto was agreable enough to them, and they were so well pleasd, that they movd to me whether I would go on with the fortifications on the hill and finish them, which I readily undertook, but I made this objection. Mr. Treasurer of those days (one Woodrope whose caracter any Master of a ship trading hither, or St. Christophers merchant on the Exchange can inform your Lordships of) was of so bad a credit, that I had been hardly put to it heretofore to get the tradesmen I had employ'd paid by him, and they would not go on, if to be paid by him, but at extravagant rates. I therefore insisted

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the money from the Planters should come directly into my own hands, and that I would take all the trouble upon me gratis. Mr. Woodrope should still have his 5 p.c. for receiving it. I ask'd nothing, he had it, and I had nothing of it. They are ungenerous enough in their Address to say I undertook for a particular gratuity. I assure your Lordships, I am superior to the mercenary terms they so ungratefully put this circumstance upon, and I pray your Lordships will call upon them to prove a truth for this reflection upon me. *Recounts his* benefactions to the country, in placing the skill acquired at one siege and two defences at its service, and building a house on the hill fit for the Lt. Genl. to live in and entertainment of the gentlemen of the island who came to see the works, so that his private fortune was not increased by one farthing by the £1,000 present. In response to a request by the Council and Assembly, on the 24th Feb. 1724 he submitted his accounts to the Council, and they were approved by the Governor and Council. He went immediately afterwards with the General's leave to Antego, and took it for granted they would have gone on course to the Assembly. In his absence some buisy people animated General Hart against him, and the beginning of Oct. 1725 he was peremptorily summoned by H. E. to repair in eight days to St. Christophers. He was informed that his accounts had been kept in the hands of the Clerk of the Council, but now the new Assembly demanded them and called him to appear before them and produce his vouchers, which he could not do as, in his hurry and not aware of this attack, he had left them at Antego. No objection has been taken to any article in his accounts. Upon this they addressed H. E., charging him with evading, for not delivering the papers he had by him, and desired H. E. to order him peremptorily to attend them with these vouchers. At next meeting of Council, he gave his reasons for not obeying, " and then governed myself in part on the Assembly's arrogating to themselves a power I found your Lordships had condemned, 16th March, 1711." *Continues :*—He then used me with great severity of speech, that I was forced to go out of Council. At that time I received letters from my friends at home to reconcile myself with General Hart. He had received some to the same purpose from his. The Council interposed, and on 4th March, 1726, at a Members of the Council's I was invited to meet H. E. I did, everything of anger passt was to be forgot, and I obtained leave to go to Antego. Hereon the complaints of the Assembly's behaviour to me which I had sent to be laid before H.M. were very honestly dropd by Mr. Meure. Yet the Address of the Assembly was dated two days after. That very day I went to Antego, and sent my vouchers to a Member of Council, and 18th May they were laid before the Assembly, whose address was sent hence the November following complaining they had

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them not, and about three months after the expiration of the very Assembly that made the Address. *Explains that* he found on his return in August that the Assembly had done nothing, and though he pressed for the examination, they expired without completing it. The new Assembly appointed a Committee, whom he met at their request. Several delays were made on their part, and at last "for want of other matter they picked a quarrel with me for having my clerk present as I had had quietly heretofore, and treated me with ill manners enough, but I bore all, and they broke up, resolving to do nothing if my Clerk attended me. And I have never heard any more of the matter since" *etc.* *Concludes*:—I am sure you will prescribe a remedy against those that sent home an Address three months after an Assembly expired, and who when they sent it, knew the vouchers it asked for were many months before in their custody. If your Lordships enquire who sent it, to whom, and with what directions, and it should appear that 'twas Mr. Butler as a Speaker of an Assembly no longer in being, then your Lordships will be judges what persons are made use of to injure me. P.S. I have discovered a circumstance somewhat extraordinary. This address was signed, I can't tell how or where. But there was no meeting of the Assembly the day it is dated vizt. 6th March, and yt. day happens to have been a Sunday. This is strange cookery. And Mr. Speaker must have been pretty familiar and free with the House. This is somewhat of a sort with his indictment at Hicks's Hall, whence we owe the blessings of his being among us. *Signed*, William Mathew. *Endorsed*, Recd. 12th, Read 19th Oct., 1727. $13\frac{1}{8}$ *pp.* [*C.O.* 152, 16. *ff.* 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 29*v.*, 32, 33, 34, 35.]

May 31.
St. Christophers.

570. *Same* to Mr. Popple. Has given instructions to Mr. Meure, his correspondent, for reply *as preceding.* "I must entreat your introducing him with it to my Lords" *etc.* *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 152, 16. *ff.* 30, 31*v.*]

May 31.
Whitehall.

571. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Refer to* letter of 22nd Feb., and ask that directions may be given, "that this wall may be rebuilt before the season of the year be too far advanced." [*C.O.* 389, 37. *pp.* 272, 273.]

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572. Petition of the Lords Proprietors of Carolina to the King. Petitioners by the accounts they have received from Carolina, being sensible of the great disorder, the inhabitants are in, and the great difficultys they labour under, Doe most humbly intreat your Majesty, that you will be most graciously pleased to take the unhappy condition of that Province into your Royall consideration in order to settle it upon a sure and

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lasting foundation. And that your Petitioners may give your Majestie the most convincing proof of their sincere desire and intention to contribute as much as in them lyes toward so good and desirable an end, They are willing to surrender, and they doe most humbly pray your Majestie to accept and take into your immediate Royal consideration the supreme soverainty of the sd. Province of Carolina. Not doubting but your Majesty according to your usual goodness and justice will cause effectual measures to be taken for preserving to your Petitioners all their legal rights and properties. *Signed*, Beaufort, Craven, Ja. Bertie, J. Colleton, H. Bertie, Jo. Tyrrel. [*C.O.* 5, 290. *p.* 181.]

May 31. Whitehall

573. Duke of Newcastle to Mr. Walpole. *Referring apparently to following, concludes*:—" H.M. would have you upon this occasion do my Lord Duke all the service you can, being desirous to have this affair adjusted as soon as possible to mutual satisfaction, both for the sake of his Grace's particular interest, and of the service it may be to both nations." *No signature. Copy.* 1 *p.* [*C.O.* 253, 1. *No.* 32.]

[? May]. Thursday night, 6 a'clok.

574. Duke of Montagu to [? *Duke of Newcastle*]. I beg your Grace will take the trouble to reed the inclos'd and consider it thoroughly, and I am shure you will find it so much for the advantage of the King and the Publick that I think from that alone I might have little reason to doubt of sucseeding in what I propose, but I have still a stronger reason to hope for it which is that it is cheefly in your Grace's province *etc.* What is proposed is intierly consistant with the Acts of Trade and Navigation of England and with those of France, and is no more then inforseing in respect to the island of Sta. Lucia, the Treaty (*of Neutrality*) made in 1686 (which stil subsists) *etc. Continues*:—The two Crowns joining in makeing it practicable for the Mareshal d' Etree and myselfe to injoie halfe of what has been granted to each of us intier, and what has cost each of us so much mony, without att the same tyme either Crown parting with the least of their pretenstions they claime to the Island, to the other. By which all disputes which might heere after hapen between the two Nations upon this subject will be prevented—The island will be secured from being wholy possess'd by the French which otherwaise will unavoidably hapen some time or other, which will be of the worst consequence to the English Plantations—The English nation will be posses'd of the best harbour in the West Indies, and so scituated as to comand every ship that is bound from Europe to the Bay of Mexico—the Revenue of the Crown and the Nation will be considerably increasd, from what may be judged from the Barbados trade, which att the lowest computation brings in 50,000 a year to the Crown, and 100,000 to the Nation—Besides

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the putting an end to the clandestine trade caried on, and which will continue to be so, between the English and French att Sta. Lucia, as long as the Island remains uninhabited—it will be one means of convincing the world that the frendship between England and France is senceere and lykely to last, and will oblige a very considerable person in France as much as it will, your Grace's obedient and most humbly servant, *Signed*, Montagu. *Without date or endorsement. Holograph.* 1½ *pp. Enclosed,*

574. i. Duke of Montagu to the King. Submits following. *Signed*, Montagu. Without date or endorsement. *Holograph. French.* 2 *pp.*

574. ii. *Same* to *Same.* Sketches events 1719—1723 relating to Sta. Lucia and the agreement arrived at that the island should not be settled by either nation until their rights were decided. It is at present a rendezvous for French and English vessels which meet there to carry on illegal trade. Maréchal d' Estrées and petitioner have come to an agreement, having each an equal right to the island by virtue of their grants by their respective Sovereigns, to share it equally between them, with the consent and protection of the two Crowns. M. d' Estrées is shortly to have an interview with Mr. Walpole. *Prays that* instructions may be sent to him on that head. *No date or endorsement. French. Holograph.* 2 *pp.*

574. iii. *Same* to *Same.* Proposal for joint grant of Sta. Lucia by the two Crowns to the Duke of Montagu and M. d' Estrées *as preceding. Without date or endorsement.* 1¾ *pp.*

574. iv. Proposed Articles of agreement between the two Crowns for grant of Sta. Lucia as in preceding. *Without date, signature or endorsement.* 2 *pp.*

574. v. Proposed articles of agreement between Duke of Montagu and M. d' Estrées for the division of Sta. Lucia *etc. Without date, signature or endorsement.* 1½ *pp.* [*C.O.* 253, 1. *Nos.* 31, 31 i–iv.]

May [ ].
Whitehall.

575. Draught of a Circular Letter to Governors of the Plantations. The King of Spain having actually begun hostilities against H.M. by the siege which has for some time been carried on against Gibraltar, and by seizing our merchants ships and effects, *etc.* H.M. *etc.* has therefore ordered that the King of Spain and his subjects should be treated as enemies *etc. Memorandum in* margin of "persons wrote to on the last rupture with Spain." *Endorsed,* Not sent. 1½ *pp.* [*C.O.* 28, 44. *No.* 110.]

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June 1.
Whitehall.

576. Mr. Popple to Lt. Governor Armstrong. *Acknowledges* letters of 27th July and 24th Dec. 1726. *Continues* :—My Lords Commissioners having at present under their consideration the immediate settlement of the Province of Nova Scotia, you may expect shortly to hear from them upon this subject. [*C.O.* 218, 2. *p.* 56.]

June 1.
Whitehall.

577. *Same* to Governor Hart. *Acknowledges* receipt of letters and papers of 30th Nov. *Continues* :—My Lords Commissioners do not think your reasons (for having given your consent to the powder Act of Antegoa) sufficient to justifie your acting contrary to your Instructions, as you thereby did ; the great partiality shew'd to the people of Antegoa, in exempting them from those duties, which they have thought fit to impose upon British subjects, and this Act being made perpetual, whereas it ever before was temporary, are reasons which would induce my Lords to propose to H.M. the repeal of this Act, But as their Lordps. conceive the intent of this Act to be for the defence of that island, for which reason the inhabitants thereof ought to contribute to this duty, I am to signifie to you their Lordps'. directions, that you move the Assembly to pass another Act for this purpose, and not lyable to these objections, otherways their Lordps. will propose the immediate repeal thereof. [*C.O.* 153, 14. *pp.* 234, 235.]

[June 1].

578. Ar. Gambell to the Council of Trade and Plantations. Some reasons and proposuals for settleing the main coast of Nova Scotia, with all imaginable speed *etc.* *Urges* importance of the Fishery, and the immediate building of forts at the three most commodious harbours,—Port Rossway, Cape Sambra and Owles Head, to be settled by disbanded soldiers, which will serve to protect the Fishery *etc.*, and this valuable neglected country, to which not one subject has ever thought fitt to transport themselves, nor has any publick incouragemt. been given since in the power of great Brittain *etc.* *Offers services.* *Endorsed*, Recd. (from Col. Bladen), Read 1st June, 1727. $3\frac{3}{4}$ *pp.* [*C.O.* 217, 4. *ff.* 344–345*v.*]

June 1.
St. James's.

579. H.M. Warrant appointing Cornelius van Horn to the Council of New Jersey, in the room of David Lyell decd. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 35. *p.* 335.]

June 1.
St. James's.

580. H.M. Warrant appointing William Dandridge to the Council of Virginia, in the room of Philip Ludwell, decd. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 35. *p.* 336.]

June 2.
Westminster.

581. H.M. letters patent appointing Bryan Wheelock Clerk of the Markets in Jamaica. *Countersigned*, Cocks. *Copy.* [*C.O.* 324, 49. *ff.* 48–50.]

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June 2.
St. James's.

582. H.M. Instructions to Charles Lord Baltemore relating to the Acts of Trade and Navigation. *Signed*, G. R. [*C.O.* 5, 193. *pp.* 89–115.]

June 2.
Whitehall.

583. Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint the Right Honble. the Earl of Londonderry to be Governor of the Leeward Islands in America in the room of John Hart Esq., draughts of his Commission and Instructions are to be prepared *etc. Signed*, Holles Newcastle. *Endorsed*, Recd. 3rd, Read 6th June, 1727. ¾ *p.* [*C.O.* 152, 15. *ff.* 351, 352*v.*]

June 2.
St. James's.

584. H.M. Warrant appointing John Custis to the Council of Virginia, in the room of Col. Edmund Jennings, who by reason of his great age and infirmities is wholly incapable of any business. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 35. *pp.* 336, 337.]

June 6.
Whitehall.

585. Council of Trade and Plantations to the Committee of Privy Council. Enclose draught of an Instruction to Governors *as ordered* 3rd May, *etc.* [*C.O.* 324, 11. *pp.* 40, 41.]

June 7.
Whitehall.

586. Council of Trade and Plantations to the Committee of the Privy Council. *Representation* in obedience to Order of 15th Feb. concerning the settlement and government of Nova Scotia:—We shall not repeat what has been so fully set forth in several of our former reports, relating to the present state, the situation and consequence of Nova Scotia, but as the methods which we shall propose to your Lordsps. for peopling of this country may appear something differt. from those generally practised in the rest of H.M. Colonies, we shall be under a necessity of mentioning some particular facts and observations which have led us into the way of thinking we are now in upon this subject, and which we hope may be inducements to your Lordsps. to be of the same opinion with us. This country is capable of yielding all the necessaries and conveniencies of life, the soil is proper for the production of hemp and other Naval Stores the land abounds with timber of several kinds; and the sea coast, especially at Canso, with as good fish and in greater quantities, than are to be found in any other part of the American seas. Yet notwithstanding these natural advantages Nova Scotia instead of being useful, has hitherto been a burthen to Great Britain for want of inhabitants, and the Regiment which has been so many years maintained there at the expence of ye publick has only been able to keep up H.M. claim to the soil, whilst the French have reaped solid advantages from the produce of this Country: For the French inhabitants who refuse to take the oaths of allegiance to H.M., and still remain in Nova Scotia, contrary to the Treaty of Utrecht have been the great support of all the French Colonies in their neighbourhood, by supplying them with furs, fish, cattle, corn, provisions, and timber of all kinds, and without this assistance in all probability neither Cape Breton nor Isle Madam could in so short a time have established themselves upon so good a footing. Nova Scotia has now been many years in possession of the British Crown, yet there are hitherto few or no British inhabitants there, except the Garrisons of Annapolis and Canço, and some few English families who have settled at the latter of these places for the benefit of the Fishery, which has of late years been carried on there with very great success. The little progress therefore which we have hitherto been able to make in peopling so fertile a country, whilst the French have so considerably increased their settlement at Cape Breton, in a very barren soil, is a proof that the Government of France have given greater incouragements to their subjects to settle in their Colonies, than has been given for the like purpose by the Government of Great Britain to theirs, and we have been credibly informed, that the French King is at a great expence in encouraging and nursing up his infant Colonies till they are able to support themselves, such as defraying the expence of transportation furnishing ye Adventurers with one years provisions and building strong fortifications for their defence. Since H.M. accession to the Crown some persons have petition'd for large tracts of land in Nova Scotia, and they have been referred to this board who always thought it their duty upon those occasions to propose such conditions and restrictions as well with respect to quit-rents, as to the manner of seating and settling the lands petition'd for they then conceived the most convenient for H.M. service, and most effectual for the peopling of this Province but whether the Petitioners thought the conditions too hard, or whether they have been discouraged by the delays and difficulties they have met with in passing thro' ye other Offices, or from some other accident, so it has happen'd, that none of these projects have hitherto taken effect, but since lands are to be had upon such easy terms in so many other of H.M. Colonies allready well inhabited and in a reasonable state of security, greater encouragements will be necessary to induce people to settle in Nova Scotia, the most Northern part of the British Dominions upon the Continent of America, a country without defence exposed to the fury of the savage Indians and to the encroachments of ye French. For this reason and from the experience of so many years, we beg leave to say, the publick must be at some expence to make any schemes for this purpose effectual, and that the terms must be more advantageous to the adventurers, than those that are to be met with in Colonies already settled. However as we are sensible how difficult it might be to engage the publick in any

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new expence we shall propose a fund for this purpose arising from the Plantations, and naturally applicable to their service, that is to say, the produce of the French lands at St. Christophers, or at least so much of it, as may from time to time be thought necessary for this purpose, wherein the Parliament have already made a precedent by addressing H.M. to make some provision out of this fund, for the new Colledge proposed to be erected in the Bermuda Islands. Thus having explained in genl. our thoughts upon the methods we intend to propose for the peopling of Nova Scotia, we shall now proceed to offer to your Ldsps. consideration such particulars as have occurrred to us upon this subject, without entring too minutely into the detail of them as to their execution, which may be the subject of a further report; if our sentiments meet with your Ldsps. approbation. The preserving of H.M. woods in this Province in our humble opinion should be provided for previous to the granting of lands, and therefore as we had found by long experience upon how bad a foot this matter stands in the Massachusets Bay; New Hampshire and other Provinces on the Continent of America, where the woods reserved to H.M. are frequently intermix'd with private property and are for that reason the constant subject of debate between the King and his subjects, we thought it for H.M. service in forming the Instructions for Col. Philips to provide *etc. Quote his Instructions as to reserving* 200,000 *acres for masts for the Navy etc. Continue*:— And we beg leave again to propose that the Surveyor General or such person as H.M. shall think proper to appoint for this purpose, may forthwith be directed to lay out these woods, that the Govr. may afterwards be at liberty to grant lands under proper restrictions. The delay of this matter has already been highly prejudicial to H.M. intrest, for the French inhabits. in this Province having erected saw mills, are daily destroying the timber, and the want of a power in the Governor to grant lands would have made it impracticable for planters to settle there even upon any terms had there been no other impediments to the setling of this Province. To encourage Adventurers from Great Britain to engage in the making of large settlements in this country we are humbly of opinion that such petitrs. whose cases have already passed the consideration of this Board, and whose petitns. lye now before H.M. in Council, for the last decission should meet with all reasonable dispatch more particularly that of the Officers, who were actually engaged in the reduction of Nova Scotia and whose services seem justly to entitule them to H.M. favour, and so much the rather because by the conditions of their grant, if they obtain one, they will be obliged within a few years to make a considerable settlement on the lands they petitioned for. We have already hinted that few people will care to settle in a savage country where there is not a reasonable

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security against the natives, and this kind of encouragemt. is wanting in the highest degree in Nova Scotia; There was formerly one Fort at Annapolis Royal, but we are inform'd the bastions and curtains, the barracks and the storehouses, are at present in a most ruinous condition in so much that the Garrison have been obliged to secure themselves from surprize, by setting up pallisadoes about the said Fort for want of a better defence; We presume therefore your Ldsps. will be of opinion, that this Fort, the barracks and storehouses belonging to it should be immediately repaired. The fishing at Canço likewise will deserve your Ldsps. protection 'tis at present the best in America, and a fort there, will be highly necessary for many reasons, but more especially on account of its neighbourhood to Cape Breton. And as nothing can so effectually restrain the disobedience of the French inhabitants remaining in Nova Scotia, who refuse to take the oaths of allegiance to H.M., as the building of two stockadoed barracks, in or near their quarters at Minos and Shebuctoo, we beg leave to recommend this also to your Lordsps. consideration, because we are informed the charge of those baracks will not be considerable. We shall not at present propose any further expence to your Lordships, upon the head of fortifications tho others may hereafter be needful on different parts of the coast. But we conceive it highly necessary for H.M. service that there should always be a sufficient magazine of arms and working tools lodged in some secure place in this Province for the service of the country. If your Lordps. should agree with us in these particulars, they will certainly be some encouragement for people to resort to Nova Scotia but further inducements will still be wanting, and therefore we would humbly propose. That the publick should be at the expence of transporting such poor people to Nova Scotia as are disposed to settle there together with their wives and families. That 50 acres of land should be granted to each person so transported by the Governor upon his or her arrival in Nova Scotia, free from fines and likewise from quit rents for the first ten years. That double that quantity of land be granted to Carpenters, Smiths, Masons, Joyners, Brickmakers, Bricklayers and all other artificers necessary for building or husbandry upon the same terms. That the like quantity of land be granted to such soldiers of Col. Philips's Regiment and their families as are disposed to turn planters and their pay notwithstanding to be continued to them for one year after such grant at which time they may be discharged from the service. That all the recruits to be raised for the future for this Regiment be acquainted that after three years service they may be discharged and have lands granted to them in like manner. And the better to people this country, that every soldier have leave to carry his wife with him, the transport both of the soldier and his wife to be defray'd by H.M., it being impossible for the Regiment otherwise to bear these frequent discharges. That proper encouragement be given to such as shall intermarry with Indians, agreeable to the tenour of H.M. Instructions to Col. Philips. That whereas the Governor is at present restrained from granting any more than 500 acres to any one person he may now be empower'd to grant lands not exceeding 1,000 acres free from fines and likewise free from quit-rents for tenn years under proper restrictions, to such substantial inhabitants, and their families as shall be disposed to settle in Nova Scotia at their own expence. And that every part of this country may be informed what is transacting in other quarters of the Colony, that ye small sloop formerly built at ye King's expence, and now remaining in Nova Scotia, may be refitted and employ'd to attend the service of this Government. It now remains that we shou'd offer our thoughts to your Lordships concerning the form of a Civil Govern*t*. to be erected in this Province, which in our humble opinion is already in some measure provided for by Col. Philips' Commission and Instructions so far as the present circumstances of this country require, or can admit of till there shall be more inhabitants there, but in the mean time if your Losps. shall think it convenient the Govr. and Council may be impower'd to make such laws or regulations as the emergencys of the Colony may demand till there shall be sufficient numbers to constitute an Assembly: That the Governor may likewise be authorized to make Justices of the Peace and directed to declare in H.M. name by Proclamation or otherwise, that such persons as shall settle in Nova Scotia shall be entituled to all the like privileges, liberties and advantages which are at present enjoy'd by the rest of H.M. subjects in His other American Colonies, and particularly to that of an Assembly so soon as their circumstances will admit of it. We shall beg leave to conclude this Representation with informing your Lordsps. that what we have proposed upon this occasion is not without a president in many particulars, as to the expence even in one of H.M. own Colonies namely, that of Jamaica, where the inhabitants are so far convinced how much it is their intrest to have their Island well peopled that by certain Acts lately passed their Assembly to encourage people to settle the N.E. quarter of that Government have proposed, to purchase the lands in that quarter from the present Proprietors at 5*s*. p. acre, to be at the charge of transporting the Adventurers, to furnish them with six months provisions for their families after their arrival, to grant them lands to settle on in proportion to the number of their families free from taxes for three years without any fees to be paid either for the grant or survey with many other privileges and advantages. [*C.O.* 218, 2. *pp*. 57–71.]

1727.
June 7.
Whitehall.

587. Council of Trade and Plantations to the Lords Justices. Enclose following. *Autograph signature.* 1 *p. Enclosed,*

587. i. Draught of Commission for the Earl of Londonderry to be Governor of the Leeward Islands. *In the usual form.* [*C.O.* 153, 14. *pp.* 234–261; *and* (*without enclosure*) 152, 40. *No.* 20.]

June 8.
Whitehall.

588. Council of Trade and Plantations to the Lords Justices. *Enclose* Instructions for Governor Hunter. *Continue:*—The 1st and 2nd Instruction which were given to the Duke of Portland, we have put together, as they are upon one subject *etc.* The 32nd Article of Major General Hunter's Intrns., impowering him to receive an additional salary, we have made conformable to the Duke of Portland's *etc. No.* 21, in place of *No.* 44, embodies H.M. directions, 13th May, in relation to the Revenue to be settled at Jamaica, and care is taken by the said Instruction for the subsistance of the two Independant Companies *etc.* We have inserted an Instn., *No.* 22, directing Genl. Hunter not to give his assent to any Act for laying duties on negroes landed in Jamaica only for refreshment, *etc.* The 52nd Article in relation to persons sent over hither as prisoners, was part of the Duke of Portland's 93rd Instn., but having at present omitted that part, which related to the tryal of accessaries in cases of piracy committed beyond sea, it being now particularly provided for by the Act of 8th K. George I, we thought it more adviseable to make the aforesaid 52nd Article an Instruction by itself *etc.* We have added the latter part of the 55th Instruction in relation to the suspending the execution of any sentence, upon an appeal to H.M.; in pursuance to H.M. Order in Council, 5th July, 1726. We have altered the 67th Instruction in relation to the Bishop of London's Ecclesiastical Jurisdiction, and made it conformable to H.M. directions. We have inserted a new Instn., *No.* 70, pursuant to H.M. Order in Council, 3rd May, 1727, for restraining and punishing the several vices therein mentioned. In the 92nd and 93rd Instrns. we have omitted what particularly related to the French, and made them general, more especially since those Instrns. were prepared at a time when there was not that good agreement between the two Nations, that there is at present. We have inserted an Article, *No.* 61, for the more ready supplying the vacancies that may happen amongst the Officers of the Customs during the absence of the Surveyors Genl., H.M. having already been pleased to approve the same, in the draft of those Instructions which we prepared for Mr. Calvert, Deputy Governor of Maryland. *Note in margin.* This Representation and Instructions were sent to the Council Office, but not being laid before the Lords Justices, when the

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news was brought of the decease of K. George 1st, orders were thereupon given by his present Majesty for a new Commission and Instructions for Genl. Hunter. [*C.O.* 138, 17. *pp.* 146–152.]

June 8. Whitehall. **589.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, eight Acts of the Massachusetts Bay. [*C.O.* 5, 916. *p.* 6.]

KING GEORGE II.

June 11, 1727.

June 14. **590.** Mr. Dummer to Mr. Popple. Your letter last week found me in my bedchamber, where I have bin confin'd this month *etc.* My distemper continues obstinate *etc.* I have therefore writ to my friends in New England to think of some other person to look after their buis'ness *etc.* *Asks for* their Lordships commands in writing *etc.* *Signed,* Jer. Dummer. *Endorsed,* Recd., Read 14th June, 1727. 1 *p.* [*C.O.* 5, 869. *ff.* 442, 443*v.*]

June 14. Whitehall. **591.** Mr. Popple to Mr. Dummer. *Reply to preceding.* Lt. Governor Dummer has informed the Board that the Assembly have addressed H.M. for his Royal determination on the differences between that Province and New Hampshire, with respect to the boundaries, and that you are instructed to pursue this matter to an issue *etc.* *Enquires* what steps he has taken, " their Lordships being very desirous of having the divisional line determined " *etc.* [*C.O.* 5, 916. *p.* 7.]

June 14. Whitehall. **592.** Council of Trade and Plantations to the Duke of Newcastle. In order to be fully informed of the several facts mention'd in the petitions of Tho. Rowland and John Greathead, referred to us 11th March, and 19th Aug. 1725, we found it necessary to send copies to the Governor of the Leeward Islands, who has return'd to us for answer, that they are concluded by the Commission H.M. has been pleased to grant to Lt. Genl. Matthew, Gilbert Fleming and Edward Man Esq. for disposing of the late French lands in St. Kitts, for which reason we do not trouble H.M. with any representation thereon *etc.* *Autograph signatures.* 1¾ *pp.* [*C.O.* 239 1. *No.* 37 ; *and* 153, 14. *pp.* 261–263.]

June 15. Leicester House. **593.** Order of King in Council. Approving *following,* and ordering the Council of Trade and Plantations to fill in the same for the several Colonies and Plantations in America. *Signed,* Edward Southwell. *Endorsed,* Recd., Read 16th June, 1727. 1 *p.* *Enclosed,*

594. Draught of Proclamation for proclaiming King George II in the Plantations *etc.* 1½ *pp.* [*C.O.* 323, 8. *Nos.* 72, 72 i.]

1727.
June 16.
Leicester House.

595. Order of King in Council. Ratifying Act of Virginia *for laying a duty on liquors*, upon the report of the Lords of the Committee agreeing with the representation of the Council of Trade. *v.* A. P. C. III. *pp.* 153–156. *Signed,* Temple Stanyan. *Endorsed,* Recd. 11th, Read 13th Sept., 1727. 6 *pp.* [*C.O.* 5, 1320. *ff.* 145–147*v.*, 148*v.*]

June 16.
Leicester House.

596. Order of King in Council. Ratifying Act of Virginia *to confirm the title of Richard Randolph etc.*, as proposed by Board of Trade. *Signed and endorsed as preceding.* 2½ *pp.* [*C.O.* 5, 1320. *ff.* 149–150*v.*]

June 16.
Leicester House.

597. Order of King in Council. Confirming Act of Antigua *for dividing the parish of St. Peter, and erecting the new parish of St. George, etc. Signed and endorsed as preceding.* 2 *pp.* [*C.O.* 152, 16. *ff.* 1, 1*v.*, 2*v.*]

June 17.
Whitehall.

598. Council of Trade and Plantations to the King. *Enclose* draught of Proclamation for proclaiming H.M. *etc.* (*v.* 15th June). *Suggest* that it may be more certain and more expeditious, that two small vessels be despatched on purpose, the one to New England and the other to Barbados *etc.* *Annexed,*

598. i. H.M. Proclamation referred to in preceding, with orders to Governors or Commanders in Chief of H.M. Plantations, including Hudsons Bay, to proclaim the same. *Printed,* Pennsylvania Archives, 1st Ser. I. 199. [*C.O.* 324, 11. *pp.* 41, 45.]

June 17.
Apthorp.

599. Lord Westmorland to the Duke of Newcastle. I am honoured with your Grace's commands of the 13th inst. : and was prepareing this answer to it when I have been surprized with the malincoly news of the death of the King, but as his present Majesty will no doubt order the designe to be proceeded upon therefore shall trouble you with a full detail that your Grace may take the best measures to forward it speedily, that so you may have an oppertunity of provideing for your frinds, and *I must on this occation beg your Grace to present my most humble duty to his Majesty and to acquaint him that the reason I don't do it in person, is that since Wendsday last I have been lay'd up with a severe fitt of the gout in both feett unable to stir but when I can shall hasten to town to do it myself. Your Grace's favour herein will greatly obleidge me.*⁽¹⁾ I shan't presume to advise you, but to obey your commands so far as I am capable shall give. the narrative of the affair of Carolina upon which you'll best judge what is fittest to be done. It haveing been the oppinion of the board of trade as by their genll. report, and

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(1) The words in Italics are underlined in the MS.

confirmed by the like oppinion of all the King's Ministers and his Counsell, that in order to make the Westindies more effectually beneficiall to these Kingdoms they should be brought to one uniform manner of Goverment to be made assistant to each other and which was not to be done whilst they were under so many different rights of Proprietory, and forms of Governts. amongst them. therefore it was necessary by all means reasonable to encourage or procure them to be surrendred to the Crown, to be put upon the like footting as all the other Goverments, and to reserve only the property of the soile to the Proprietors thereof. With this veiue I embraced all occations to sett forth the reasonableness of the Proprietors surrendering their regall authoritys to the Crown as a matter more advantagious to them in their private concerns, more to ye publick good in genll. and suitabler to the humours of the people as subjects. Coll. Horsey being known to severall of the Proprietors of Carolina I discoursed him about it, who took a great deale of pains to meett and argue them into the reasonableness of their surrendering. Which when they were brought to think off, at their desire I drew up severall heads as for them to request upon the surrendering, which paper I had the honour once to show your Grace and which they were designeing to annext it to their Petition, but by some addittions afterwards made to itt, they haveing a veiue of more advantagess to themselves, and restricktions upon the Crown and people, than I thought was fitt to be offerd, and the time growing verry short for much debate they consensted to allter the Petition by leaveng out the annexings, and deliver it singly, which being done, was that Petition deliver'd by your Grace to the King before he went a broad, reserveing the perticular articles to be mentioned and debated upon, in the further progress of this affair. What papers I had scribled I left with Mr. Popple our Secretary, yt. when the Orders should be sent to the office he might be able to apprize the board if any dispute should arrise concerneing what I had done. But as Coll. Horsey hath what I drew out fairly wrote and allso the severall new proposalls of the Proprietors, I will by this post write to him, and direct him to attend your Grace therewith to receive yr. orders, as allso Mr. Sheldon the Proprietors' agent and Secretary. And upon compareing and considereing of the papers you will be best able to give such orders for the instructions as his Majesty shall think proper. for I must inform your Grace that the designe of the Proprietors, is that those heads or such like as the King shall approve off, should be putt into the Governour's Instrucktions to be by him recomended to the assembly of Carolina to be passed into laws, as the termes on which his Majesty will take and continue them under his immediate Govermt. and therein there is a provision offer'd for the support of the Govermt., Therefore till a Governour is appoynted I

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don't see how such, or any Instructions can be directed but when that is, he will be able to assist the board of Trade by informeing them of the Proprietors intentions on the severall proposalls in order for their amendments thereof. The Proprietors those at least who came to me in the name of the others were of opinion that the laws for settleing of the Goverment should be first passed and confirmed by the Crown because their rights would then be secured to them by a law in the country, and upon which they were ready to execute a deed of surrender in form. Of a Proprietory surrender there is an instance upon our books viz. the East and West Jerseys to the late Queen. But as it begins with the coppy of the deed executed, I was at a loss to find any footsteps of the proceedings before, how it came about. My lord Carterett in his oppinion thought the people should pass a law to give the Proprietors an hereditary duty on some produce of their country in consideration of their parting with the soverighnity-ship. Butt I think there is an answer to this, that the Proprietors will save the charge of all the salarys, the forts, and other expencess in protecting the country which they were obleidged to provide out of their quit-rents, but further I think this thought might be improved, viz., if the Proprietors could be prevailed upon to yeild up their quit-rents (as is done in Maryland by the lord Baltimore) to ye country, and to receive from them an equivalent for it by hereditary dutys to be imposed there, which would be of greater advantage to ye country, be a meanes of its spedier peopleing and might so be contrived as not to be worse but of greater advantage to the Proprietors, but this is only a speculative hint I presume to trouble you with. Haveing thus ventured on your patience by this long narrative shall now endeavour to answer your Grace's commands with all difference. When your Grace thinks fitt you will order the Proprietors' petition made to the King and is now left with Mr. Popple in a private manner to be deliver'd to you and that when you have seen the severall papers on which they were or seemed to be induced to the makeing of the petition you will be better able to inform H.M. for his orders. As to the officers there is few or none yett legally established in this Colliny to the great disservice of the country and is in part a cause of the confusion so that it is all to be new appoynted except one or two which as I understood the Lords Proprietors had given or ordered patents for, but by what I could guess it would be no difficult matter to have them surrender'd as Coll. Horsey hinted to me and to which effect I acquainted you therewith. As to the numbers of the officers necessary in the Goverment I am not able to give an account of now not haveing my papers here with me. Butt when the settlement of the Goverment comes to be directed, the board of Trade must allso be directed to frame out, what officers are necessary and to enquire what there is and the nature of their pretensions which will give your Grace a full light into them. The surrender must be by a deed executed in form as the Jerseys was, drawn by Sr. Edwd. Northey *etc.* There being no order sent when I came out of town the Proprietors who were zealous for this yeilding of Goverment were under great apprehensions that there would be a great delay in it, and that their affairs would be hung up for a longer continuance in disorder, to their great loss, besides as it had taken some pains and industry to bring over some of their body who were at first averse to it, and who have not an entire good likeing of this Goverment, and who might by the delay or other reasons fly off again, and clogg the designe, it will be therefore matter of great joy to the well-meaning Proprietors who are desireous of surrendering, to find your Grace retain their business in your mind. Upon the whole I should think that the Governour should be named absolutely and that heads for a deed should be drawn up by the board of trade or whome else may be thought proper and the Proprietors or their agents, and then sent to the Attorney Genll. to be drawn up in form of deed of surrender and then to be executed, if the termes were such as should meet with H.M. approbation *etc.* I have since Wendsday last been laid up with the gout which as it is feirce hope it won't be long, *etc.* *Signed,* Westmorland. *Holograph.* 5¾ *pp.* [*C.O.* 5, 387. *No.* 76.]

June 19 Whitehall **600.** Council of Trade and Plantations to the King. In obedience to H.M. commands enclose following. *Annexed,*

600. i. An account of the establishment and business of the Board of Trade. [*C.O.* 389, 37. *pp.* 274–279.]

June 20. **601.** Mr. Dummer to the Council of Trade and Plantations. In answer to Mr. Popple's letter, upon Mr. Newman's complaint against the Province of the Massachusets Bay *etc.* I received an Instruction from my principals to *defend their rights with the utmost vigour and application*; and this I suppose is what my brother calls persuing the controversy to an issue. But as Mr. Newman told me some months ago that he was not provided to go on till he had further instructions from New Hampshire by reason of a disappointment he had met with in respect to some records, I did not apprehend it was either my buis'ness, or in my power to move a step in it. And had it bin both, I should not have thôt it fair to have forc'd him to a hearing when he was unprepar'd, *etc.* *Signed,* Jer. Dummer. *Endorsed,* Recd. 20th, Read 21st June, 1727. 1 *p.* [*C.O.* 5, 869. *ff.* 444, 445*v.*]

June 20. Kensington **602.** H.M. Commission for Col. Richard Phillips to be Governor of Nova Scotia and the town and garrison of Annapolis Royal. *Countersigned,* Townshend. [*C.O.* 324, 36. *p.* 55.]

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June 20.
Kensington.

603. H.M. Commission for Col. Phillips to be Governor of the town and garrison of Placentia. *Countersigned*, Townshend. [*C.O.* 324, 36. *p.* 56.]

June 20.
Kensington.

604. H.M. Commission for Benjamin Whichcot to be Commissary of Stores for the Garrison at Placentia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *p.* 57.]

June 20.
Kensington.

605. H.M. Commission for Robert Hurst to be Commissary of the Musters of the Garrison at Placentia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *p.* 58.]

June 20.
Kensington.

606. H.M. Commission for Henry Cope to be Fort Major at Placentia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *p.* 59.]

June 20.
Kensington.

607. H.M. Commission for Jacob Rice to be Chaplain to the Garrison at Placentia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *p.* 60.]

June 20.
Kensington.

608. H.M. Commission for William Skeen to be Surgeon to the Garrison at Placentia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *p.* 61.]

June 20.
Whitehall.

609. Mr. Popple to Mr. Carkesse. Encloses, in reply to 8th April, Instructions for trade given to Dep. Governor Calvert. [*C.O.* 324, 11. *p.* 46.]

June 24.
St. Christophers.

610. Lt. General Mathew to the Council of Trade and Plantations. The 14th instant Governor Hart delivered to me the seals, copys of his Instructions, Commissions *etc.*, and then embarked for England, on H.M. lycence of absence. The Earl of Londonderry we are inform'd is appointed to succeed *etc.* His arrival is dayly expected. *Signed*, William Mathew. *Endorsed*, Recd. 12th, Read 19th Oct., 1727. 1 *p.* [*C.O.* 152, 16. *ff.* 36, 37*v.*]

June 24.
Whitehall.

611. Order of Council. The Council of Trade and Plantations are to take care that the letters for proclaiming H.M. be forthwith conveyed to the several Governors by the two vessels appointed for that service. *Signed*, Temple Stanyan. *Endorsed*, Recd. 24th, Read 26th June, 1727. ¾ *p.* [*C.O.* 323, 8. *No.* 73.]

June 24.
St. Christophers.

612. Lt. General Mathew to the Duke of Newcastle. Col. Hart embarked from this island the 14th instant for London on H.M. leave of absence, and delivered to me copys of his Instructions, Commissions *etc.* and Seals. We dayly expect the arrival of the Earl of Londonderry *etc.* *Signed*, William Mathew. 1 *p.* [*C.O.* 152, 43. *f.* 12.]

1727.
June 24.

613. Petty expences of Board of Trade from Lady day to Midsummer, 1727 (*v. Journal*). 7 *pp.* [*C.O.* 388, 79. *Nos.* 55–9.]

June 26.
Whitehall.

614. Mr. Popple to Mr. Burchett. Encloses, for dispatch by vessels appointed, letters from H.M. Privy Council to the Governors for proclaiming H.M., *etc. and following. Annexed,*

614. i. Circular Letter from the Council of Trade and Plantations to the Governors of Plantations. We do earnestly recommend to you, that you proceed without loss of time in the execution of *above Order for proclaiming the King etc.*, in the most solemn manner and most proper parts of your Government.

Upon this occasion we think it proper to acquaint you, that by an Act passed in the sixth year of Her late Majesty, *for the security of H.M. person and Government etc.*, it is enacted that all publick seals in being, at the time of the demise of H.M., her heirs and successors, shall continue and be made use of as the respective seals of the Successor until such Successor shall give order to the contrary. N.B. *This paragraph did not go to Nova Scotia, Newfoundland nor the Propriety Governments.* And for your further information we inclose to you, H.M. Proclamation for continuing all Officers *etc.* [*C.O.* 324, 11. *pp.* 46–48.]

June 26.
Whitehall.

615. Mr. Popple to Lt. Governor Dummer. *Acknowledges* letters of 22nd Aug., 1726, and 12th April last. *Continues*:—Their Lordships are glad to find (22nd Aug.) that the Indians are so well dispos'd to perform their engagemts. with the Province, not doubting but care will be taken to continue them in this good disposition. As to what you mention concerning presents to be annually made to the Indians, provided this be done at the expence of the Province, their Lordps. have no objection to it, but they can by no means think H.M. should be at this charge, and are not without hopes that the method which the general Court of your Province has taken of granting a summ of mony to be employ'd in trade with the Indians, that they may be supply'd at easy rates with everything they want; will be effectual towards drawing them from their dependance upon the French *etc.* The Agent of the Massachusetts Bay has not acquainted my Lords with the substance of the Address from the General Assembly to H.M. in relation to the controversy between your Province and that of New Hampshire mentioned 12th April last, *etc.* They desire that you will transmit to them directly all publick papers relating to the affairs of your Province, for the future. [*C.O.* 5, 916. *pp.* 8, 9.]

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June 26.
Whitehall.

616. *Same* to Josiah Willard. *Acknowledges* letter of 21st Nov. *etc.* The Excise Act mentioned to be sent therewith has not been received. *Concludes:*—Wherefore I am commanded to desire, you will transmit the same by the first oppertunity, and that you will be more punctual in sending whatsoever papers are said to be inclosed in any letters which you shall for the future send to this Office. [*C.O.* 5, 916. *p.* 10.]

June 26.
Whitehall.

617. *Same* to Lt. Governor Wentworth. *Acknowledges* letter of 25th Sept. As to the boundaries *etc.*, my Lords Commissioners, having discoursed with Mr. Dummer and Mr. Newman, your Agent, find that Mr. Newman is not fully prepared to have that matter finally determined, wherefore they desire, you will send to him assoon as possible, as full Instructions as may be, that this matter may be immediatly settled. [*C.O.* 5, 916. *p.* 11.]

June 28.

618. Mr. Fane to the Council of Trade and Plantations. Has no objection to 11 acts of New York, 1726, submitted 23rd Feb. last. *Signed,* Fran. Fane. *Endorsed,* Recd. 1st July, 1727, Read 18th Nov., 1729. 2½ *pp.* [*C.O.* 5, 1055. *ff.* 38–39*v.*]

June 28.

619. *Same* to *Same.* Has no objection to 16 acts of New York, 1726, submitted 8th Dec. 1726. *Signed and endorsed as preceding.* 3 *pp.* [*C.O.* 5, 1055. *ff.* 40–41*v.*]

June 29.
New York.

620. Governor Burnet to the Council of Trade and Plantations. *Acknowledges* letter of 2nd March. *Will take care* that Acts are abstracted in the margins. *Encloses* accounts of fines and forfeitures etc. "This Province is much obliged to your Lordships for representing the French building a fort at Niagara" *etc.* *Repeats part of gist of No.* 623. *Hopes that* the Acts of New York will meet with their approbation, "which will be the greatest means of keeping the Assembly in good humour" *etc.* *Set out,* N.Y. Col. Docs. V. *pp.* 821, 822. *Signed,* W. Burnet. *Endorsed,* Recd. 26th Aug., Read 20th Sept., 1727. 2⅓ *pp.* *Enclosed,*

620. i. Account of fines and forfeitures, New York, 8th Aug. 1722—Lady day, 1727. *Total receipts* in N.Y. currency, £15, less charges £2 11*s.* 3*d.* *Signed,* Archd. Kennedy, Col., Rot. Ellison, Commr. *Endorsed,* Recd. 26th Aug., 1727. 1 *double p.* [*C.O.* 5, 1054. *ff.* 173–176*v.*]

June 29.
Virginia.

621. President Carter to [*the Duke of Newcastle*]. *Encloses* Journals of Council during his administration except of a late Council, the minutes of which have not yet been read and approved *etc.* *Continues:*—Tho' I have hitherto received no publick intimation of the war, with the Emperor and Spain, I have nevertheless thought it expedient to use all necessary precautions for the safety of our trade, wch. is of so great consequence to H.M. with respect to his Customs, and of great value both with regard to the British shipping employed in it, and the adventures of the merchants and planters: to this purpose orders were given for the ships to sail hence in fleets for their mutual defence in case they are attackd in their passage; and for their security agt. the enemys privateers wch. are expected on this coast, they are to be convoyed a convenient distance from hence by the man of war on this station, and I hope the superiority of H.M. fleets will secure from any danger on the British coast. I have the satisfaction to informe your Grace that by the large export of tobacco this year and the prospect of the crop now on the ground, H.M. will receive a great increase of his Customs, and I have also the pleasure to acquaint your Grace that this Colony is in perfect tranquillity, *etc.* *Signed,* Robert Carter. *Endorsed,* Rd. Aug. 21st. 2 *pp.* [*C.O.* 5, 1337. *No.* 36.]

June 29. Virginia. **622.** *Same* to the Council of Trade and Plantations. *Refers to encl.* ii. "There have been upwards of 1,200 negroes imported since and more daily expected, but none from the African Company." *Repeats* gist of preceding. *Continues*:—Since my last (whereof a duplicate is inclosed) the owners of the *John and Betty* have made the proof *required etc.* (*v.* 13th May), and orders are given for restoring the money *etc.* *Concludes*:—As 'tis probable a Governor is now on his way hither, who being a Military man may be better acquainted wth. those matters than I am, I shal forbear troubling your Lordps. with such things as occurr to me as highly necessary to the defence of the country and security of trade *etc.* *Signed,* Robert Carter. *Endorsed,* Recd. 21st Aug., Read 28th Sept., 1727. 2 *pp.* *Enclosed,*

622. i. Minutes of Council of Virginia, 14th June, 1727, as to convoys for merchant fleet *etc.* *Copy.* 1½ *pp.*

622. ii. Account of negroes imported into Virginia, March 25, 1718—1727. (i) York River, by African Company, 427, by separate traders, 8145; James River, by separate traders, 293; Rappahannock River, by separate traders, 2186. 5¼ *pp.* [*C.O.* 5, 1320. *ff.* 162, 162*v.*, 163*v.*–164*v.*, 165*v.*–167, 168, 169, 171.]

June 30. New York. **623.** Governor Burnet to the Duke of Newcastle. *Has but lately received* letter of 24th in favour of Mr. Wood and his patent for his copper coin for the Plantations, and will do him all the service he can *etc.* *Has just received* on account that the detachment sent up to protect the fort in the Indians' country is arrived, and that the house is half finished, and

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that they have met hitherto with no opposition from any French or Indians. *Continues:*—I hope the French will be ordered to demolish theirs at Niagara, but while that stands, it would seem an abandoning our Indians to them, not to have one likewise among them. *Encloses following. Signed,* W. Burnet. *Endorsed,* R. Aug. 27. 1½ *pp. Enclosed,*

623. i. *Duplicate* of *No.* 620.

623. ii. *Duplicate* of *No.* 625. [*C.O.* 5, 1092. *Nos.* 55, 55 i, ii; *and* (*covering letter only, endorsed,* Rd. Dec. 19th) 5, 1085. *No.* 62.]

June 30. New York. **624.** Governor Burnet to Mr. Popple. *Refers to following.* "I find the Members of New Jersey so uneasy at the thoughts of meeting at their own costs, that I am very unwilling to meet them in such an ill humour. I have had experience formerly of the effects of such a disposition, and for that reason am the more unwilling to be plagued with it again." *Encloses* Naval Officer's accounts for New York and New Jersey. P.S. "I shall lay out this fall to get the seeds and cones of pines desired by my Lord Westmoreland" *etc. Set out,* N.Y. Col. Docs. V, *p.* 822. *Signed,* W. Burnet. *Endorsed,* Recd. 26th Aug., Read 13th Sept., 1727. 1⅓ *pp.* [*C.O.* 5, 1054. *ff.* 165, 166*v.*; *and* (*duplicate, endorsed,* Recd. 3rd July, Read 20th Sept., 1727) 5, 972. *ff.* 142, 143*v.*]

June 30. New York. **625.** *Same* to the Council of Trade and Plantations. By the *Alexander,* D. Downing, master. *Acknowledges* letter of 2nd March on New Jersey affairs. *Does not think* that he will be able to induce the Assembly to sink the interest money. *Asks for* leave to endeavour to bring them to apply half of it to the current service. The Board's orders to stop applying the interest money as before was not the cause of raising the value of the money, because it was not at all known till it was communicated by him to a few, and then no alteration in the value of the money happened. £14,000 are already sunk, which shows how fast the bills decrease without the help of interest *etc. Set out,* N. J. Archives, 1st Ser. V, 165. *Signed,* W. Burnet. *Endorsed,* Recd. 26th Aug., Read 13th Sept., 1727. 3 *pp.* [*C.O.* 5, 972. *ff.* 134–135*v.*]

June 30. **626.** Mr. Fane to the Council of Trade and Plantations. Reply to Nov. 2, 1726. Report upon the Act of St. Kitts *for establishing a Court of King's Bench and Common Pleas etc.* Exclusive of what regards Mr. Smith, this Act is a most wise and prudent law *etc. Signed,* Fran. Fane. *Endorsed,* Recd. 1st, Read 4th July, 1727. 3 *pp.* [*C.O.* 152, 15. *ff.* 353–354*v.*]

July 2. Whitehall. **627.** Duke of Newcastle to Mr. Walpole. *Encloses following. Continues:*—H.M. has commanded me to renew the directions contained in the letter, which by order of the late

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King I wrote to you the 31st May *etc.*, and your Excy. is accordingly to hear what the Mareshal d' Etrées has to offer for accomodating this dispute, and to endeavour to adjust it in the best manner you shall be able, and upon such terms as you shall judge to be most for the publick service, as well as for his Grace's particular interest. *Refers for* particulars to enclosure. *Signed,* Holles Newcastle. *Without endorsement. Copy.* 1 *p. Enclosed,*

627. i. Memorial of the Duke of Montagu to the King. Repeats account of Sta. Lucia and proposal to share it with M. d' Estrées, and requests renewal of instruction to Mr. Walpole to treat of this affair (*v.* 31st May). *Without date or signature. Endorsed,* Sent to Mr. Walpole, 2nd July, 1727. *Copy.* 5⅔ *pp.* [*C.O.* 253, 1. *Nos.* 33, 33 i.]

July 5. Whitehall. **628.** Mr. Popple to Mr. Fane. Encloses for his opinion in point of law 14 Acts of S. Carolina,, passed March, 1727. List annexed. [*C.O.* 5, 400. *pp.* 225–228.]

July 5. Whitehall. **629.** *Same* to *Same.* Encloses for his opinion in point of law, five Acts of the Massachusets Bay, 1726. [*C.O.* 5, 916. *p.* 12.]

July 5. St. James's. **630.** Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed,* Edward Southwell. *Endorsed,* Recd. Read 24th July, 1727. 1 *p. Enclosed,*

630. i. Petition of John Elliott, of Topsham, Devon, to the King. Petitions for office of Collector of Customs at Newberry, N.E., as a reward for his services in taking seven sail of sloops *etc.* manned by Indians who had attacked the Fishery at Canso in 1722. Petitioner was dangerously wounded in the action *etc. Copy.* 2½ *pp.*

630. ii. Governor Philipps' Commission to Capt. Elliott to proceed against the Indians referred to in preceding. Canso, 25th July, 1722. *Signed,* R. Philipps. *Copy.* 2¼ *pp.* [*C.O.* 5, 870. *ff.* 1, 2–3, 4–5, 8*v.*]

July 8. Philadelphia. **631.** Lt. Governor Gordon to the Duke of Newcastle. In obedience to his Grace's commands of 13th Jan., sends back to London a son of one Edward Busby *etc. Signed,* P. Gordon. *Endorsed,* Rd. Sept. 22nd. *Holograph.* 1 *p.* [*C.O.* 5, 1234. *No.* 10.]

July 10. Philadelphia. **632.** *Anon.* to the Council of Trade and Plantations. The revenues of the Crown arising by the duty on tobacco are in this trading city very much impaird by some persons trading

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to Barbadoes. Few vessels carry thither less than 30 to 150 tierces of tobacco containing 450 lb. and never enter but from 4 to 20 tierces, the remainder passes for biscuit *etc.* Some are of opinion the Collector is concerned with them, seeing they are his nearest friends that practise itt, others ascribe his inactivity and connivance to his great age and riches, being in the 89th year of his age *etc.* Whatever the reason, the Crown is defrauded yearly of the duty on at least 700 hhds. of tobacco *etc.* *Endorsed*, Recd. 15th Jan., Read 8th May, 1728. *Addressed.* 2½ *pp.* [*C.O.* 5, 1267. *ff.* 23–24*v.*]

July 11. Whitehall. **633.** Council of Trade and Plantations to the King. Recommend for confirmation Act of New York *to vest in Thomas Hicks etc.* (14th Dec. 1726). [*C.O.* 5, 1124. *p.* 408.]

July 11. Whitehall. **634.** Circular letter from the Council of Trade and Plantations to the Governors of Plantations. *Enclose* H.M. Proclamation for continuing all Officers in the Plantations till H.M. further pleasure shall be known, "that you may cause the same to be made publick within your Government" *etc.* [*C.O.* 324, 11. *p.* 49.]

July 14. Whitehall. **635.** Order of Committee of Council. Referring to the Council of Trade and Plantations the enclosed petition for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. 19th July, Read 27th Sept., 1727. 1¼ *pp.* *Enclosed*,

635. i. Petition of Council and Assembly of S. Carolina to the King. 11th March, 1726(7). £120,000 was printed and the greatest part issued before the repeal of the Act *for printing and making current* £120,000 *in bills of credit* was received. The Assembly then immediately passed a law directing £55,000 to be called in and burnt, by funds which had been before appropriated to the support of H.M. Government. Pursuant to the said law £13,645 has been paid into the Publick Treasury and burnt, and there is now due for duties £13,432 9*s.* 6¼*d.* not yet burnt. Since the application of the said fund for calling in and burning the bills of credit amounting to £55,000, your Majesty's subjects in this Province are laid under insuperable difficulties and hardships from the great taxes they are obliged annually to raise for the security and support of this Government, which as it is contiguous to the Spaniards at St. Augustine, as well as the French at Moville, they for several years have and still are under a necessity to maintain three Garrisons and keep a body of men constantly to range by land and boats to scout by water to prevent the daily incursions and murders by the Yamasee and other

Indians on your Majesty's subjects being on the borders of the Province. In case of a war with either the Spaniards or French this frontier Colony will be in great danger of falling a sacrifice to the enemy since the several fortifications in the Province are almost ruined and quite defenceless. Under this distress therefore it is that we in the most dutiful and loyal manner represent to your sacred Majesty the hard circumstances of your subjects in this remote part of your Dominions and humbly pray that you'll be graciously pleased to ease their great and heavy taxes by giving your Royal Orders to your Government here to permit your General Assembly to pass a law whereby instead of burning the bills of credit already and still to be paid into the Treasury by the Sinking Fund abovemenconed, the said sum of £13,432 9*s*. 6¼*d*., as well as what will hereafter arise for dutys shall be forthwith issued and applyed for repairing the fortifications and erecting such new ones in the Province as shall be thought necessary for the security and defence of the same, *etc*. *Signed*, in Council, Ar. Middleton. By Order of the Commons House of Assembly, Tho. Broughton, Speaker. *Endorsed*, Recd. 19th July, Read 27th Sept., 1727. 3½ *pp*. [*C.O.* 5, 360. *ff*. 11–13*v*., 14*v*.]

July 14. Whitehall. **636.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Antegoa, 1727, *for raising a tax for paying publick debts and particularly applying said tax etc*., and Act of Montserrat, 1727, *for raising a levy or poll-tax*. [*C.O.* 153, 14. *pp*. 263, 264].

July 14. Whitehall. **637.** Mr. Popple to Mr. Carkesse. *Enquires* whether the Commissioners of the Customs require a copy of Mr. Dunbar's proceedings concerning the effects taken out of a Spanish vessel run aground at Barbouda *etc*. (*v*. 10th April, 1727). [*C.O.* 153, 14. *pp*. 264, 265.]

July 14. Whitehall. **638.** Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. 1¼ *pp*. *Enclosed*,

638. i. Petition of Rev. Timothy Cutler, Samuel Miles, James Honyman, James McSparran, Mathias Plant, George Pigott and Samuel Johnson, all Clergymen of the Church of England, as by law established, on behalf of themselves and several Congregations of the Church of England in the Province of the Massachusetts Bay *etc*. *Abstract*. Since the granting of the Charter of Charles I, the Independants being

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more numerous than the people of the Church of England have, in direct opposition to the Charter and to the laws and constitutions of this Kingdom, passed several laws in order to oppress the Church of England people and other Christian inhabitants conscientiously differing from the said Independants. *Describe* Acts for *the settlement and support of the Ministers and Schoolmasters etc.* and *for maintaining and propagating religion etc.*, 1692. *ff.* *Continue* :—Petitioners have been sent over as Missionaries to New England by the Honble. Society for the Propagation of the Gospel *etc.*, and have laid a very fair foundation of instructing great numbers of the inhabitants there *etc.* who are of themselves very desirous of embracing the Church of England worship *etc.*, and wherein they should have made a much greater progress but for the oppressions and hardships which they continually received from the Independants which they continue daily to exercise towards your Petrs. and all that become members of their congregations by unwarrantably rating and assessing them for the support and maintenance of the Independant teachers, and for the repairing and building the Independant Meeting houses, and in default of payment by distraining their goods, and laying their persons in actual imprisonment, and using all methods possible to discourage the inhabitants from embracing our Government doctrine and Liturgy whereby the members of our churches are miserably distressed by the force and violence that is used upon their persons and estates in case of the least refusal or delay to contribute to the support of the dissenting teachers and their meeting houses, and on which account at least thirty of the members of the Church of England have been imprisoned at one time in one town, and which your Petrs. humbly represent to your Majesty as the greatest obstacle to the encreasing of the members of the Church of England in that Province, it not being to be expected that tho' in their hearts the inhabitants are entirely disposed to the doctrine of the Church of England, that they should openly come into that profession under which (as matters now stand) they cannot have protection but are liable to imprisonment and all the distresses of the persecuting resentments of the governing power there, which is vested in the Independants with whom the Church of England professors are not at present even upon a level. Such is the unhappy circumstances of the Established Church of England in this Province, whereas were such of the inhabitants who according to their own desires should become members to the Church of England exempted and protected from rates to the Independant teachers, there is great reason to believe many would be daily added to the Church, and by that means the Church enlarged, and your Majesty's supremacy in ecclesiastical affairs be acknowledged, which at present is but too much neglected in that Province. That therefore and as the said Acts in the rigid manner in which they are put in execution may affect the lives as well as the consciences, religion, liberties and properties of your Petrs. and their congregations, and your Petrs. being still apprehensive of greater sufferings, they most humbly beg leave to lay the said Acts before your Majesty in Council for your Royal consideration thereof pursuant to the directions of the said Charter and humbly submit it to your Majestys consideration whether the same are warranted by their Charter and humbly hope your Majesty will be pleased to repeal the same (amongst several others) for the following reasons, vizt. : *First* in regard no National or Provincial Church is by the said Charter established in the said Province but an extensive and universal liberty of conscience is thereby given and preserved to all sects and denominations of Christians, inhabiting the said Province (Papists only excepted) and no one sect preferred above the other by the said Charter in respect to Church power or government a free liberty of conscience being the principal foundation of the said Charter. *Secondly* in regard the said Acts tend in the strictest manner to the suppression of a free liberty of conscience expressly granted by the said Charter, and in direct opposition thereto setts up Independancy above your Majesty's other Protestant subjects in general and of their Mother Church in particular, to which your Petrs. belong and instead of disposing matters so as that all your Majesty's subjects there may be peacably and religiously governed and protected and preserving to them their free profession and securing and maintaining liberty of conscience to all your Majesty's Protestant subjects, the said acts in the execution and consequences of them entirely take away all liberty of conscience, the security of religion, and invade the civil liberties and properties, and the rights and priviledges granted to all your Majesty's Protestant subjects by the said Charter. *Thirdly* in regard the general Court have not by the said Charter

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(as your Petrs. humbly apprehend) any power to make any laws imposing anything relating to any particular form of divine worship, especially to assess the Protestants of one denomination in support of those of another they being only empowered by the Charter (as your Petrs. humbly apprehend) to make assessments for your Majesty's service in the necessary defence and support of the Government and not for the support of a teacher of any particular opinion whatever which is conceived to be directly contrary to the end the Charter had in view, and if the Charter had given any further power, your Petrs. humbly apprehend it is not to be supposed the Charter would have preferred Independant teachers (which are all along meant by learned and orthodox Ministers in the said Acts) before the Church of England Ministers and therefore should these acts enure they will effectually deprive your Majestys subjects there of the liberty of conscience granted them by the said Charter, in regard the said Legislature will construe none orthodox but their own Independant teachers. *Fourthly* by these laws and the rigid manner of carrying them into execution great distresses and discouragements are brought upon our Mother Church and the inhabitants of the said Province, who would otherwise freely embrace the publick benefit of the Church of England are thereby greatly discouraged from openly professing themselves members thereof, whereas if these Acts were repealed and any Acts of the like nature prevented from being passed for the future, it is very reasonable to believe the members of the Church of England would receive a daily encrease, and that by this means many flourishing Churches would be very soon effectually established amongst us. Wherefore and for several other reasons and as the said laws are apprehended to be contrary and repugnant to the Laws of England and should these Acts enure they would be of the most dangerous consequence not only to the Members of the Church of England, in the said Province, but also to your Majesty's other Colonies and Plantations abroad, and that your Petrs. and all the members of the Established Church of England in this Province may be freed from the payment of all rates for the maintenance of teachers of any other perswasion. Your Petitioners for themselves and their suffering brethren most humbly pray your Majesty to take all the said several Acts before stated into your Majesty's Royal consideration and that your Majesty will thereupon be pleased to pronounce your royal negative and repeal the same and each of them, and that the proper and necessary directions may be given to prevent any Acts of the like oppressive nature from being passed for the future, and that your Majesty will be pleased to make such further and other order in the premisses as your Majesty in your great wisdom and goodness shall see fitting to provide. 14⅔ *pp.* [*C.O.* 5, 870. *ff.* 11–20, 22*v.*].

July 16. Jamaica. **639.** President Ayscough to the Duke of Newcastle. *Refers to* letter of 24th April and enclosed Speech to the new Assembly. *Continues:*—But the same spirit has appeared in them as in the former Assemblies; The first thing they begun upon was renewing and justifying the proceedings of late Assemblies, particularly with respect to taking the Provost Marshall into custody; then they ordered several bills to be brought in particularly one for providing for the soldiers of the two Independent Companies only for twelve months, another bill for raising a revenue only for 21 years wherein they were to give the King no more than the old Revenue mentioned in the late 21 years laws, and several other extraordinary bills too tedious to trouble your Grace with the mention of them and at last they came to several very ridiculous resolutions on my Speech, and sent me a very indecent message (inclosed). This is all the answer I have been able to obtain from them in return to H.M. most gracious recommendations concerning the draught of the bill for perpetuating their laws; so finding little good was to be expected from them the Council advised me to prorogue them, and they now stand prorogued to the 22nd of August next: As I cannot expect any success from them (were they allowed to meet at that time) so I shall prorogue them from time to time until H.M. shall be pleased to signify his further pleasure concerning them; They have been lately buoyed up with some private letter from home intimating as if H.M. intended to receed from the draught recommended to them; if so, my successor will be very easy for the first year in his Government; but it is obvious to the meanest capacity that when once the Assembly have got their laws made perpetual and that a sufficient revenue is not therein provided for the support of H.M. Government equal to the annual charge, a Governour must be dependent upon them, and continual broils will ensue. H.M. goodness has been very great (if our Assembly had but gratitude to acknowledge it) in accepting of the Revenue annexed to the draught; for the charges of the Government increase yearly and even were the Assembly inclinable to make the Revenue £10,000 per annum yet there would be a considerable deficiency to the annual charge: the new impost upon indigo computed at £3,000 per annum mentioned in the draught

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will fall considerably short of that sum, allowing a free trade, and, should ever a rupture happen with France, it will fatally sink: Your Grace is certainly the best judge how far what I have said may be proper to be laid before H.M.; but it is of great importance to the future tranquility of his Government here to have a sufficient revenue settled of equal duration with their laws: I am glad to acquaint your Grace that since my last we have tolerable seasons in most parts of this Island, so that the country begins to have a different view; tho' the trade of the Island is dull and little or no money circulating. We have no late advices from Admiral Hosier; the last we had gave an account that he and five ships were lying near to Carthagena; since which three more ships are sailed from hence to joyn them. *Signed*, J. Ayscough. *Endorsed*, R. Sepr. 6. 2¾ *pp.* *Enclosed*,

639. i. Copy of the *Weekly Jamaica Courant*, 31st May, 1727. *Contains* the Speech of President Ayscough to the Council and Assembly of Jamaica, 23rd May, *etc.* Refers to the repeated commands he has received from H.M. to recommend to them the perpetuating their laws *etc.* *Printed.* 4 *pp.*

639. ii. Reply of Assembly to preceding. Ask that H.M. repeated commands referred to may be communicated to them. As an instance of their dutiful and loyal obedience to H.M. recommendations, they send up a bill making the usual provision for the two Independent Companies, which former Assemblies had prepared, but were prevented from sending up by frequent dissolutions and prorogations. They do not conceive that H.M. ever intended to impose on them the draught of the bill sent down to them, *etc.* *Copy.* 1⅓ *pp.*

639. iii. Resolutions by the Assembly of Jamaica, 1st June, 1727. *Copy.* 2 *pp.* [*C.O.* 137, 52. *ff.* 335, 335*v.*, 337–341*v.*]

July 16. Jamaica. **640.** President Ayscough to the Council of Trade and Plantations. Repeats preceding covering letter. *Signed*, J. Ayscough. *Endorsed*, Recd. 6th, Read 7th Sept., 1727. 2¾ *pp.* [*C.O.* 137, 17. *ff.* 5–6*v.*]

July 17. Whitehall. **641.** Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint Majr. Genl. Hunter to be Governor of Jamaica, draughts of his Commission and Instructions are to be prepared *etc.* (*v.* Feb. 14). *Signed*, Holles Newcastle. *Endorsed*, Recd. 17th, Read 18th July, 1727. ¾ *p.* [*C.O.* 137, 17. *ff.* 1, 2*v.*]

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July 18.
Whitehall.

642. Council of Trade and Plantations to Governor Hart. We have several times had under our consideration an Act of St. Christophers, 1724, *for establishing a Court of King's Bench etc.*, and find the said Act, so far as it relates to the establishing of Courts, and to the advancement of Justice, to be a prudent law and calculated for many good and necessary ends and purposes; But as Mr. Smith has laid before us what he has to offer against it with respect to the appointment of a Judge's Clerk, and as we find upon comparing the docket of fees established by this Act, with that settled by the Act pass'd in 1715, which is by this repeal'd, that some of those fees given to the Secretary, are now given to the Judge's Clerk, who is an officer newly created; we are of opinion that this Act with respect to the Secretary's fees, is an encroachment upon his patent, and contrary to your 56th Instruction; for these reasons, we should have propos'd the repeal of this act; But considering that in other respects, this is a necessary law, we think, you will do well to get a law pass'd to repeal so much of this as alters the Secretary's fees *etc.* [*C.O.* 153, 14. *pp.* 265–267.]

July 18.
Whitehall.

643. *Same* to the Duke of Newcastle. *Enclose* extracts of Governor Hart's letter of 10th April, and papers relating to a Spanish vessel run aground at Barbuda *etc.*, and to ships the Spaniards are building at the Havanna to cruise upon our trade *etc.* Transmit, for H.M. directions thereupon, a bag of letters found in said ship. *Autograph signatures.* 2 *pp.* [*C.O.* 152, 40. *No.* 24; *and* 153, 14. *pp.* 268, 269.]

July 18.
Whitehall.

644. Mr. Popple to John Scrope, Secretary to the Treasury. Encloses above extract. [*C.O.* 153, 14. *pp.* 269, 270.]

July 19.
Whitehall.

645. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed,*

645. i. *Same* to the King. Enclose following.

645. ii. Draught of Commission for Governor Hunter. In the usual form. [*C.O.* 138, 17. *pp.* 211–230.]

July 19.
Custom ho.,
London.

646. Mr. Carkesse to Mr. Popple. In reply to 14th July, encloses following. *Signed,* Cha. Carkesse. *Endorsed,* Recd. 29th May, 1725, Read 3rd Oct., 1727. *Addressed.* 1 *p.* *Enclosed,*

646. i. Charles Dunbar, Surveyor General of the Customs in Barbados and the Leeward Islands, to the Commissioners of Customs. Antigua, April 20th, 1727. Describes proceedings in case of the *Tometa Reta*, cast away on Barbuda, *v. supra* April 10, and asks for instructions as to goods detained by him. *Signed,* Cha. Dunbar. *Copy.* 3½ *pp.* [*C.O.* 152, 16. *ff.* 11, 12–13*v.*, 14*v.*]

1727.
July 20.
Whitehall.

647. Duke of Newcastle to the Council of Trade and Plantations. You are to prepare an Instruction for Governor Hunter, relating to his appointments, agreable to that which was prepared for the late Duke of Portland *etc.* (*v.* 11th Oct. 1721). *Signed,* Holles Newcastle. *Endorsed,* Recd. 21st, Read 24th July, 1727. 1 *p.* [*C.O.* 137, 17. *ff.* 3, 4*v.*]

July 23.

648. Wavell Smith to Temple Stanyan. *Encloses* following, *and reminds* him that "it was judg'd proper it should be sent from his Grace of Newcastle directing the board of trade to incert it in Lord Londonderry's Instructions. . . . . It is only to prevent a long sollicitation in case the first Assembly should not settle on the Governor and new ones call'd who may be inclined to do it" *etc.* *Offers* his services in the Leeward Islands *etc.* *Signed,* Wavll. Smith. *Addressed.* *Sealed.* 1 *p.* *Enclosed,*

648. i. Governor the Earl of Londonderry to the Council of Trade and Plantations. *Quotes* case of Governor Hart in Antigua *and requests* that the following clause may be added to his 32nd Instruction, limiting presents to the Governor to the first Assembly after his arrival :—But in case it shall so happen that you shall see good and sufficient cause to dissolve all or any of the respective Assemblys you shall find subsisting at your arrival before they have settled such sum as we have permitted you to accept *etc.*, we do (notwithstanding the aforesaid restriction) permit you to give your assent to such act or acts that all or any of the second respective Assemblys may think proper to pass in order to raise a summ for the augmentation of your salary, provided in every such act or acts so pass'd by such second Assembly or Assemblys there be a clause restraining their taking effect, untill our particular pleasure be known thereupon." $1\frac{1}{2}$ *p.* [*C.O.* 152, 43. *ff.* 14, 15*v.*–16*v.*]

July 24.
So. Carolina.
Chas. Town.

649. Wm. Hammerton to Governor Nicholson. *Encloses* his accounts as Naval Officer, Dec. 25—June 24 *etc.* The certain report of a warr made us flatter ourselves of your Eccys. presence before now *etc.* *Refers to* disturbances caused by Landgrave Smith's intended rebellion *etc.* The Attorney General has accepted of the Judge of Admiralty till further orders in room of Major Blakewey decd. *Begs to be* appointed to the place of vendue-master in his stead, *etc.* *Signed,* Wm. Hammerton. *Endorsed,* Recd. 2nd Jan., 172$\frac{7}{8}$, Read 16th July, 1729. *Addressed.* 2 *pp.* [*C.O.* 5, 360. *ff.* 151–152*v.*]

July 24.
Virginia.

650. President Carter to the Council of Trade and Plantations. Refers to letter of 29th June and encloses list

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of entrances and clearances of vessels for Accomack district. *Concludes :*—Little alteration hath happend in ye Governmt. since Coll. Jennings departed this life the 5th instant *etc.* *Signed,* Robert Carter. *Endorsed,* Recd. 11th, Read 28th Sept., 1727. 1 *p.* [*C.O.* 5, 1320. *ff.* 172, 173*v.*]

July 25. Whitehall. **651.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed,*

651. i. *Same* to the King. Representation accompanying following. A repetition of 8th June, *q.v.* *Prefixed,*

651. ii. H.M. Instructions to Governor Hunter (*v.* June 8th). *Dated,* 12th Aug., 1727. [*C.O.* 138, 17. *pp.* 153–210, 231–235.]

July 29. St. James's. **652.** Order of King in Council. Referring to Committee report of the Board of Trade upon Col. Spotswood's petition. *Signed,* Ja. Vernon. *Endorsed,* Recd. 11th, Read 13th Sept., 1727. 1½ *pp.* [*C.O.* 5, 1320. *ff.* 151, 151*v.*, 152*v.*]

Aug. 1. London. **653.** James Buchanan to Michael Shaw, at the Croun Coffee house, behind the Exchange. Memorial of loss and damage (£46 11*s.* 5*d.*) suffered by John Luke & Co., Glasgow, for loss of goods shipped on their account on board the *Anne* captured by six Spanish men of war off the Scilly Islands, April, 1727. *Signed,* James Buchanan. *Addressed.* ½ *p.* [*C.O.* 388, 27. *No.* 79.]

Aug. 1. **654.** Extract of letter from the Duke of Newcastle to Mr. Walpole. You will see in one of our newspapers, that there is an account of some of our ships that have been taken by the French in or near Sta. Lucia ; This has encouraged the Duke of Montagu to renew his application to H.M. for settling his affair, and the King would be very glad if your Excy., pursuant to what I have formerly written to you upon this matter, could come to any agreement with the French upon it, that might be of service to the Kingdom in general, and be of advantage to the Duke of Montagu in particular. *Copy.* ¾ *p.* [*C.O.* 253, 1. *No.* 34.]

Aug. 4. Barbados. **655.** Governor Worsley to the Duke of Newcastle. That the Assembly for this year might have a sufficient time to pass an Excise bill before the last should expire, I dissolved the last Assembly the 26th of June last, and by the advice and consent of H.M. Council called a new one to meet the 18th of July, when they met and chose Col. Peers, son in law to the late President Cox, to be their Speaker. The last Assembly upon their first meeting were very pressing for a self denying bill, by which they would incapacitate all officers civil and millitary even justices of the Peace from being chosen Assemblymen, which not passing, they did not make a House from 22nd Nov., 1726 till 16th May, finding the disposition of the last Assembly I thought it proper at the openning of the present (in my Speech, of which I send a copy *etc.*) to remind them of H.M. Prerogative, and by their proceedings the first and second days of their meeting, whereof I have likewise sent a copy, your Grace will judge of their inclinations; on their first days meeting, they added a new rule, "That the names of the Members voting for or against any motion, bill, or other proceeding of the House, be incerted by the Clerk in the Minutes of the House," as if they designed to glory in what they proposed to undertake; In the second days Minutes your Grace will see that as their Speaker was taken very ill and could not attend the service of the House, they chose Mr. Sutton their Speaker pro tempore, upon which a motion was made, that as Mr. Sutton had lately fallen under H.M. displeasure, the House would consider, whether he was a proper person to be Speaker of that House, or not, when to avoid putting that question, a motion was made, that a previous question might be put, whether it did appear to that House that Mr. Sutton was fallen under H.M. displeasure so as to be disqualified from being Speaker, or not, and it was carried he was not. Then a motion was made that two Members might be sent to me to acquaint me, that the House had chosen Mr. Sutton their Speaker pro tempore, and to desire to know whether I did approve *etc.* It was carried that it was unnecessary and impresidential. As by such a proceeding I conceive they had assumed to themselves a power, that could not belong to them, I therefore thought it convenient to send them the following massage, which I did by the Deputy Provost Marshall the first day of August, to which time I had adjourned them before I had seen their aforesaid Minutes, "Gentlemen, His Excellency having observed by the Minutes of the Assembly, that on a motion made that two Members may be sent to H.E., to acquaint him, that the House had chosen the Honble. Edmund Sutton Esqr. their Speaker pro tempore, the said motion was rejected, as unnecessary; commands me to acquaint you that you have thereby unlawfully assumed to yourselves a power, that does not belong to you, and in an unwarrantable manner encroached on H.M. undoubted Prerogative, which H.E. conceives is of a very high, and dangerous consequence with regard to H.M. service, and the good Government of this Island, insomuch that H.E. could not suffer so extraordinary a procedure to pass, without shewing his displeasure thereat, but thought it absolutely necessary for both those ends to signify such his displeasure. H.E. hopes that as this conduct might possibly proceed from inadvertency only, the House will apprehend it to be their duty forthwith to retract their vote and to forbear proceeding on any other business till they have made choice of a Speaker, that shall be approved of by H.E. And it is H.E.'s further pleasure, that on your having made choice of a Speaker pro tempore, you do adjourn to this day sev'night in order to present him to H.E. for his approbation." As to what relates to me which your Grace will see in the petition the Assembly makes to H.M. *etc.*, I can say I have reason to be very proud that an Assembly so disposed, have objected nothing to me, but that I had too great an allowance settled upon me *etc.* As to the matters of fact alledged in the petition, wherein they mention droughts, blasts, and heavy load of debts the publick labours under, it would have been a specious argument against my settlement upon my first arrival, but the country has been in a flourishing condition ever since. I have been told that for two years before my arrival here, there was hardly any crop made, and the publick was then greatly in debt and indeed in the utmost confusion for by an estimate I then ordered to be laid before me by the Committee of publick accounts (*enclosed*), the debts of the publick amounted to £30,935 8*s.* 10½*d.*, and it is computed that by October next, when the taxes will be all gathered in, there will not be above £10,000 due from the publick. I must further observe to your Grace two motions in the 2d day's Minutes of the Assembly, that the aforemention'd petition to H.M. is to be forthwith transmitted to Great Britain by the Honble. Henry Peers Esqr., Speaker, if his health will permit him so to do, but if his illness hinder him, then it is to be transmitted thither by Thos. Spencer, James Bruce and John Bignall Esqrs., and in the other motion, the expence and charge of presenting and solliciting upon the sd. petition should be borne and defrayed by the publick, both which motions were approved of, which they say is to be incerted in the Excise Bill, whence they will assume to themselves not only the power of raising money, and appointing the uses of it, but may create as many offices, and officers as they shall think fit in their Excise Bill, and if the Governor and Council should not give their consent to it, the only money bill for the support of the Government must be lost; They talk also of passing a self-denying bill, and of tacking that to their Excise bill; In one word I may justly say upon these considerations, that this part of the world is infected with the maxims of the Representatives in New England, they put themselves here upon the very same foot with the Parliament in Great Britain, and if I mistake not H.M. Commission, and Instructions to me, are the foundation of this Government, in which H.M. has been most graciously pleased to command me to let them enjoy the priveledges wch. the English have by the Magna Charta and the Habeas Corpus Acts, which commands of H.M. would be unnecessary, if they had otherways a right to them; nor do I find any power there is of holding

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Assemblys in this Island, but by H.M. Commission, nor do I conceive any right they have of forming any rules to themselves, that can in the least tend to an encroachment upon H.M. prerogative, which the Crown has always asserted in Great Britain. I am sure the proceedings of these people here, if some stop be not put to them, must in time weaken their dependance on the Crown of Great Britain. They have introduced a custom in the Assembly of choosing a Speaker every three months, as well as pro tempore, in case of a Speaker's illness, and as the person so chosen has always been the same that was first chosen Speaker, and approved of by the Governour at their first meeting, the Governours have not insisted on their being presented to them for their approbation, they alledge two instances, one in Mr. Lowther's Government and the other in Mr. Cox's, when the Speaker was chosen pro tempore, and not presented to either Mr. Lowther, or Mr. Cox for their approbation, but then I am very well informed that both Mr. Lowther, and Mr. Cox recommended them, and they were chosen unanimously, but I cannot see how they can infer from thence, that the Governour's approbation is unnecessary. *Signed,* Henry Worsley. *Endorsed,* Rd. Sept. 28th. 10 *pp.* *Enclosed,*

655. i. An estimate of the public account current. Feb. 1722(3). *v. covering letter.* 2 *pp.*

655. ii. List of (25) causes at the Grand Sessions of Barbados, 13th—15th June, 1727. *Signed,* Cha. Browne. Dep. Cl. Cost. $\frac{3}{4}$ *p.*

655. iii. Duplicate of preceding. [*C.O.* 28, 44. *Nos.* 111, 111. i–iii.]

Aug. 4. Barbados. **656.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed,* Henry Worsley. *Endorsed,* Recd. 2nd, Read 20th Oct., 1727. 10 *pp.* *Enclosed,*

656. i. Speech of Governor Worsley to the Assembly. Recommends to them the passing of Excise bill, bill to prevent carrying off negroes, and bill embodying parts of the statute of frauds and perjuries *etc.* *Copy.* $3\frac{1}{2}$ *pp.*

656. ii. Duplicate of *No.* 655 i. [*C.O.* 28, 19. *ff.* 5–12*v.*, 13*v.*–14*v.*]

Aug. 5. St. James's. **657.** Order of King in Council. Confirming Act of New York *to vest in Thomas Hicks etc.* *Signed,* Jas. Vernon. *Endorsed,* Recd. 11th Sept., Read 13th Dec., 1727. 2 *pp.* [*C.O.* 5, 1054. *ff.* 167, 168*v.*; *and* (*duplicate but dated Kensington, and endorsed* Recd. 29th, Read 30th April, 1728) 232, 232*v.*, 233*v.*]

1727.
Aug. 5.
St. James's.

658. Order of King in Council. The 22nd Article in the draught of Instructions of Governor Hunter relating to the passing of laws for laying duties on the importation and exportation of negroes is to be omitted for the present. Copies of the papers relating thereto which have been presented by the South Sea Company and Merchants trading to Jamaica, and the Report of the Board of Trade are to be put into the hands of Governor Hunter, who is to make all possible enquiry into the truth of the several facts therein alledged, and to transmit a true state of this affair to H.M. at this Board with all convenient speed *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 11th, Read 13th Sept., 1727. 1¾ *pp.* [*C.O.* 137, 17. *ff.* 7, 7*v.*, 8*v.*]

Aug. 5.
St. James's.

659. Order of King in Council. Confirming Act of Jamaica *for settling the N.E. part of the Island. Signed and endorsed as preceding.* 2 *pp.* [*C.O.* 137, 17. *ff.* 9, 9*v.*, 10*v.*; *and* (*duplicate, endorsed,* Recd. 29th, Read 30th April, 1728) 32, 32*v.*, 33*v.*]

Aug. 5.
St. James's.

660. Order of King in Council. Approving draft of Governor Hunter's Instructions, omitting the 22nd and altering the 32nd Article *etc.* *v.* A. P. C. III. *No.* 125. *Signed and endorsed as preceding.* 2 *pp.* [*C.O.* 137, 17. *ff.* 11, 11*v.*, 12*v.*; *and* (*duplicate, endorsed,* Recd. 29th, Read 30th April, 1728) 30, 30*v.*, 31*v.*]

Aug. 7.
Portsmo.,
N. England.

661. Lt. Governor Wentworth to the Council of Trade and Plantations. My last bears date Aprill 8th past, duplicates of which I forwarded by ye *Industry* William Shephardson Commander which hope came safe to hand; since which I received a letter from Mr. Popple by your Lordships command bearing date Janry. ye 3rd, last which letter came to my hand about ye middle of Aprill following with Mr. Attorney and Sollicitor Generals opinion concerning H.M. right to ye woods, a coppy gave to the Deputy Serveyor for his better goverment. I don't know but this will stringthen ye Serveyor something in this Province; but in ye Massachusets they will not mind it. Since Mr. Attorney and Sollicitor General are of opinion that it is H.M. just right that all such trees should be reserved humbly am of opinion that an additional clause be to that Act, of the 8th of his present Majesty's reignn (vizt.) in townships as well as out without respect to either; for if the Act be not severe the people will break in upon it. I shall say no more relating the King's woods, least I shd. be thot troublesome, but shall do my utmost to preserve the trees from being destroyed. Those that are imployed, as agents; to the contracter for masts. (vizt.) Mr. Gulston they have great oppertunitys to make waste of pine trees here by falling more then they want and those people that are imployed in that service are generally concerned in saw mills. that what they don't make use of for masts are free for ye mill men. having been told that great quantitys have been cut down formerly for that end. I don't know that it is so now. neither do I mention this by way of complaint. I only humbly offer that a letter may be wrote by your Lordships command to the Deputy Serveyor, or to whom your Lordships may think proper which may prevent the destruction of many a good mast. This Goverment joyned with the Massachusets and Nova Scotia in ratifying the Peace made with the Eastern Indians. Where Lieutenant Governour Dummer, myself, and Major Maskareen on the part of Nova Scotia, was present at Falmouth in Casco Bay the 31st July last past: were three tribes present (vizt. Arresagunbeook, Norridgewocks, and Wowenocks that borders near Cannada made their subjection to King George and confirmed the peace we made with the Penobscots last summer, a perticular account your Lordships will receive from Lieutennant Governor Dummer. that Government being chiefly concern'd in making this last war. I hope we shall have a lasting peace with the Indians which will verry much contribute to the settlement of this Province. According to your Lordships order, I have given directions to the Naval Officer to be careful in sending home the amount of all negroes here imported. Within this month past we have had more negroes imported then for many years before vizt: twelve from Antigua, eleven from the Island of Tercera, one of ye Western Islands and two from Nevis most of them new sent here for sale in our trading vessels. I have herewith inclosed the Journals of Council with what Acts I have passed from November 1726 to May 1727 together with the remaining stores and expence of gun powder to the 28th May 1727. I hope your Lordships will be pleased to be put in mind how verry bare we are of stores of all sorts at Fort William and Mary so I found it, at first when I had the honour of commanding it. our agent has instructions to sollicit, am in hopes we shall succeed tho' we wait long. Mr. Bacon our Collector of this port accounts will come by the next. The trade of the country which is almost at a stand, partly occasioned by the warr with Spain it's thôt two hundred thousands quintals fish now remains in ye country for want of the usual number of shipping to carry it of one thing more that has greatly crampt our trade which is calling in our bills of credit. With greatest submission to H.M. Instructions that was of late sent, to these Goverments. Humbly take leave to say a word or two; I designe it for the good of trade and the incouragement of the manufacturies in England. the trade of this country has been five times more within these last ten years then before (this reason) that we have had a medium which has increas'd the trade and incouraged people to run more into it; so that the makeing their own cloathing has decreased, by reason of the currency of paper credit; by this means we have had more merchandize, perticularly woolens from England within these seven years past, then in twenty or twenty-five years before, and I am perswaded that the Custom Housses in London and the several sorts in England will evidence the verity of it. I dont conceive that this great trade has been so advantageous to this country but chiefly to support our ambition. The common people are come to that pitch that they will wear nothing less then the best of cloaths and so in proportion now the calling in the bills of credit put everybody upon thôts. for if the merchant has not money, then the tradesmen, nor country men cant have it. So that they will be obligded to spin their own cloathing; or wear none; and live within themselves. The contrary a sufficiency of bills of credit makes them live in great plenty and trade circulates quick. but when no medium then its stagnated to that degree that the grass in Boston streets will soon appear. its hardly possible to conceive the difference that the calling in the last hundred thousand pounds has made. neither gold nor silver remains with us. The ballance of trade so verry much in favour of Great Brittain. but as fast as it comes in, so soon its shipt off. and there our whole trade naturally centers. if no paper credit then the people will be oblidged to keep the silver here. I suppose three hundred thousand pounds would answer the end their's not in boath goverments (not exceeding forty) but would gladly petition the King for striking bills of credit and those forty are the great usurers of the country who layes wait for his neighbours land &c. as for my own part I want it as little as any, I'm no trading man my farms brings me victuals and drink and for cloathing I must do as I can, I beg your Lordships will forgive the freedom I have taken with my most dutifull respects *etc.* P.S. *Aug.* 24*th.* Since the within we have the surprising news of the death of H.M. King George which has filled our hearts with a dutifull sorrow, in proportion to the great joy we had upon H.M. accession to the Throne. I pray God that King George the Second may long live; to reign over us. On Thursday the 11th day of August the funeral solemnities for King George the first was observed, at Castle William and Mary, by fireing half minute guns, attended by myself and H.M. Councill with the Representatives and a considerable number of gentlemen and others. The afternoon the flag was hoisted and the cannon discharged three times with great huzzas and acclamations of joy (let King George the Second long live) a regiment of foot and throop of horss also attended. I have summonds all the officers civill and millitary to attend the next week to take the oaths appointed by Act of Parliament to King George the Second whom God preserve. I shall always be ready and willing to obey your Lordships commands in everything in my power thats for the Kings interest. *Signed,* Jno. Wentworth. *Endorsed,* Recd. 2nd Oct., 1727, Read 16th Feb. 172⅞. *Holograph.* 4 *pp.* *Enclosed,*

661. i. List of Stores remaining in Fort William and Mary, Newcastle, N. H., 28th May, 1727. *Signed,* Jno. Wentworth. *Endorsed,* Recd. 2nd Oct., 1727. 3 *pp.* [*C.O.* 5, 870. *ff.* 41*v.*–43*v.*, 44*v.*–46*v.*]

Aug. 8.

662. Thomas Mildred to Michael Shaw (*v.* 1st Aug.). Memorial of loss and damage suffered by him (£61 14*s.*) for merchandize shipped on board the *Anne etc.* *Signed,* Thy freind unknown, Tho. Mildred. *Addressed.* 1½ *pp.* [*C.O.* 388, 27. *No.* 82.]

Aug. 9.
Whitehall.

663. Lord Townshend to the Council of Trade and Plantations. H.M. having been pleased to continue the Earl of Orkeney in the employment of Governor of Virginia, you are to prepare draughts of Commission and Instructions *etc.* *Signed,* Townshend. *Endorsed,* Recd. 9th, Read 12th Aug., 1727. 1 *p.* [*C.O.* 5, 1320. *ff.* 139, 140*v.*]

Aug. 10.
Whitehall.

664. Lord Townshend to the Council of Trade and Plantations. H.M. has been pleased to continue Alured Popple Esq. in the employment of Secretary to H.M. Commissioners for Trade *etc.* *Signed,* Townshend. *Endorsed,* Recd. 10th, Read 12th Aug., 1727. ⅔ *p.* [*C.O.* 388, 79. *No.* 1.]

Aug. 11.
Kensington.

665. H.M. Sign Manual for preparing a Commission for the Bishop of London to exercise his ecclesiastical jurisdiction in the Plantations. *Countersigned,* Holles Newcastle. *Mem.* A caveat having been entered at the Privy Seal Office against this Commission it passed the Signet only, but upon the alterations made to it by the Bishop of London, another warrant was signed *etc.* *v.* 16th Feb., 1728. [*C.O.* 324, 36. *pp.* 1–10.]

Aug. 12.
Whitehall.

666. Lord Townshend to the Council of Trade and Plantations. Draughts of Commission and Instructions are to be prepared for John Montgomery Esq. appointed Governor of New York and New Jersey *etc.* *Set out,* N.Y. Col. Docs. V. *p.* 823. *Signed,* Townshend. *Endorsed,* Recd. Read 12th Aug., 1727. 1 *p.* [*C.O.* 5, 1054. *ff.* 159, 160*v.*]

Aug. 12.
Whitehall.

667. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to* queries upon the case between H.M. and the Proprietors of the Northern Neck in Virginia (*v.* 20th April, 1726 *etc.*):—We are of opinion that (i) by the grant of felons in the letters patent of King James II *etc.* all goods in possession belonging to any felon convicted which are within the district described in the grant do pass, but it hath been determined that those words do not extend to any debts or rights of action, nor to any leases for years or other chattels real belonging to such felon, nor to any goods or chattells whatsoever of a felo de se; (ii) That no other fines pass thereby but such as are imposed by the King's Courts held within the said territory; the fines imposed at the Courts leet of the grantees are expressly granted to them by the letters patent of King Charles II, and the fines imposed by the King's Courts held within the said territory cannot with propriety be said to arise or accrew within the same; (iii) that all goods and chattels real and personal in possession being within the said territory, and forfeited by reason of any judgment or conviction for misdemeanour or felony and all interests in any lands lying within the said territory forfeited to the Crown by any attainder of felony do pass by the word forfeitures; but this word is so general and extensive, and the cases wch. may arise upon it so various, that it is impossible to give an opinion thereupon which may answer every event without having the particular facts stated. As to Major Drysdale's question, (20*th April*, 1726) we are of opinion that nothing contained in the said letters patent restrains him from exercising the authority of pardoning such offences, and if the pardon be granted before any forfeiture incurred by judgment in cases of misdemeanour, or by flight, conviction or judgment in cases of felony, the pardon will prevent any forfeiture; but if the pardon be granted after the forfeiture actually incurred by any of the means aforesaid, tho' the offence will be thereby discharged, the right of the grantees to the thing forfeited will continue. *Signed,* P. Yorke, C. Talbot. *Endorsed,* Recd. 15th Aug., Read 28th Sept., 1727. 2½ *pp.* *Enclosed,*

667. i. Copy of case between the King and the Proprietors of Northern Neck. (*v.* C. S. P. 1726, April 20. Encl. iv.) *Copy.* 8 *pp.*

667. ii, iii. Charters of James II and Charles II to the Proprietors of Northern Neck, Va. *Copies.* 35 *pp.*

667. iv. Extract of letter from Lt. Governor Drysdale, 20th April, 1726. 2¼ *pp.* [*C.O.* 5, 1320. *ff.* 174–175, 176–179*v.*, 181–192, 193–198*v.*, 200–201, 202*v.*]

Aug. 13. **668.** Capt. Rogers to Mr. Delafaye. Encloses copy of petition delivered to H.M. this day, and begs to speak with him *etc.* *Signed,* Woodes Rogers. *Addressed.* *Seal.* ¾ *p.* *Enclosed,*

668. i. Petition of Capt. Rogers to the King. Duplicate of *No.* 686 i. [*C.O.* 23, 12. *Nos.* 89, 89 i.]

Aug. 15.
St. Christophers.
669. Lt. General Mathew to the Council of Trade and Plantations. *Refers to letter of* 14th June. *Continues:*—I have been forced, on information and proofs of the arbitrary,

partial and unjust behaviour of John Greatheed, Chief Justice of this Island, to remove him. *Encloses* the information. Mr. Meure will attend with the proofs, to justify every point of it. *Continues* :—Mr. Greatheed had two or three friends in the Council who dissented from this remove, and enterd their dissent. *Refers to* Minutes of Council, and as answers to those dissents, the observations of the Attorney General, Ashton Warner, with the opinions of the most eminent at the barr here, which will, he hopes, make the change "as agreable to your Lordships, as 'tis to nineteen in twenty of the inhabitants, who have for almost five years laboured under the tyrannys and unjust persecutions of that Bench, little inferiour to an Inquisition. There was a creature of Mr. Greatheed's on that Bench, a Puisne Judge, whose caracter will sufficiently appear from the papers Mr. Meure now receives from me; affidavits of his tyrannys and an answer to the dissent of two of the same dissentients, drawn up by Mr. Gordon his successor, for his own justification *etc.* By the absence of William Lyddle, now settled at Montserat, there was a vacant seat on that Bench. These dissenting Gentlemen, as they could not anywise affect the caracter of my brother in law Colonel Burt, whom I namd for that seat, however enterd their dissent too. From all three, and from this especially, your Lordships will plainly see the spirit that chiefly movd to those dissents, *etc.* One of these worthy Members was pleased to own (as the others might very safely and with truth too averr) that H.M. service or the good of this island was little thought of, but private intrest, and a strong tincture of perverse contradiction. *Refers to Mr. Meure* for justification of placing Mr. Burt there. *Continues* :—By the universal consent of all Mr. Browne is known to, he is vastly superior, in knowledge of the law, to his predecessor, having for many years worthily been at the Barr, his fortune a most plentifull one; (the other most indigent), and his candour and integrity never blemish'd. Mr. Gordon, evry impartial man that knows him, will allow of a caracter vastly more advantagious than Mr. Johnson, and Mr. Burt even the dissentients object nothing to, as to his caracter. *According to his Instructions*, is preparing an accompt in the form of a present state of this Government, with some thoughts for improving the same *etc.*, and proposes to put it "in such a method that the mutanda may from time to time with great ease be made" *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 12th, Read 19th Oct., 1727. 4 *pp.* *Enclosed*,

669. i. Anonymous information to Lt. General Mathew against John Greatheed, Chief Justice. He is greatly in debt, which leads him to be notoriously partial, guilty of extortion, and is strongly suspected of bribery and corruption. *Quotes* cases of wrongful judgment in favour of Thomas Butler *v.* James Milliken, and

Thomas Butler *v.* John Brownrigg, and in cases of Clement Crooke junr., Simon Allen *v.* Benjamin Estridge, Edward Claxton *v.* Thomas Bisse, Bartholomew Lynch *v.* Prince *etc.* He made an illegal charge of 6*s.* for a certificate on each bond or note brought into action *etc.* *Endorsed as preceding.* 2½ *large pp.* [*C.O.* 152, 16. *ff.* 38, 39, 40, 41–43*v.*]

Aug. 15. St. Christophers. **670.** Lt. General Mathew to the Duke of Newcastle. *Refers to* letter of 24th June. *Continues:*—There are many articles which the Instructions direct my laying from time to time before your Grace. These, my Lord, I am bringing into order with all possible speed, and I am reducing them into the shape of a short Present State of these Islands. I am desirous to make it short, but compleat; and am therefore retarded in it, for want of some papers I have at Antego, which are observations of 12 years past, that will enable me to make computations communè of the encrease of trade, number of inhabitants, negroes etc., and if this should meet your Grace's approbation, the mutanda may be easily made from year to year, and at one view your Grace will allways have a true state of this little branch of H.M. Dominions. I have been forced from the partial, arbitrary and unjust behaviour of John Greatheed Esq. Chief Justice of this Island to remove him, and to supply with Jeremiah Browne Esq., a Gentleman vastly superior to the former in knowledge of the law, of a most plentyfull fortune (the former was most indigent) and whose integrity and candour is unspotted. *Refers to enclosure. Continues:*—Mr. Meure, who will have the honour of attending your Grace herewith, will lay before you the proofs, when you shall please *etc.* *Signed,* William Mathew. 2 *pp.* *Enclosed,*

670. i. Anonymous charges (9) against John Greathead, Chief Justice of St. Kitts, laid before Lt. General Mathew. *v. preceding.* 2¾ *pp.* [*C.O.* 152, 43. *ff.* 18, 19, 20–21.]

Aug. 15 Barbados. **671.** Governor Worsley to the Duke of Newcastle. Having heard by Capt. Arthur Ellis, master of a merchant ship called the *Reynold* who arrived here the 6th instant from London, that His late Majesty dyed the 11th of June last at Osnaburgh, and as he shewed me a printed copy of His present Majesty's Proclamation as well as of H.M. Declaration, I would not loose the first oppertunity of condoling with your Grace for the loss of so great a King *etc.* Immediately on the arrival of this news, I called the Council to communicate it to them, and as we found by former precedents that on such occasions there was always directions from the Privy Council for the proclaiming the succeeding King, and indeed doubting whether it could be lawfully done without such directions, it was thought adviseable to defer it till they should arrive *etc.* The Assembly I had adjourned to the 8th (*v.* 4th Aug.) accordingly met and chose Majr. Spencer for their Speaker pro tempore, and then sent me by two of their Members their Address on the occasion of my Speech *etc.* (*v.* 4th Aug.), and afterwards they attended me in Council with their Speaker for my approbation of him, who I approved of, when in the name of the General Assembly he made me a Representation as their answer to my message (*copy enclosed*), by which your Grace will observe, that tho' they complyed with my message, yet they think, what I insist upon as H.M. Prerogative, to be more a matter of form and ceremony, than any real substance, and at the same time they have a saving and reserving their rights and priveledges and those of the people ; and that tho' there are precedents that the Assembly do attend the Governour at their first calling and choice of a Speaker for his approbation of him, yet they insinuate as if it was only, that by him they may desire to know what the Governr. has to recommend to them for H.M. service ; However as they complyed with the most substantial part of my message, I recommended to them to pass the Excise bill immediately, but I told them that if there was anything in it that touch'd H.M. Prerogative or if there were any other alterations unfit for me to give my assent to (for it was reported they would tack a self-denying bill to it) I would not pass it ; Whereupon I gave them a room in my house to sit in, and as they and the Council past it as it usually had been, I gave my assent to it that evening, and adjourned them to that day four weeks. I fancy they have mistaken the sence of their own rules, for your Grace will see by the several Minutes, they have now chosen a Speaker pro tempore every time they have met, during the indisposition of the Speaker they had chosen at their first calling, who I had approved of, for I should naturally think that pro tempore should mean during the time of the other Speaker's illness ; such a practice may run them into a great deal of confusion, and retard the business of the House, they have indeed a rule of their House, which they constantly observe, of choosing a Speaker every three months, but as he has been always the same, the Governours approved of at first, no Governor has ever animadverted upon it. They tell me in their said Representation that they have been unreservedly generous to me ; I very gratefully acknowledge it, and I have taken a great deal of pains to administer justice equally to them, and to heal their differences with one another, and I thank God I have accomplished it, but neither their generosity, nor any other consideration, shall make me give up a point wherein H.M. prerogative is concern'd. As for their Address I must say it is in terms they have hardly ever addressed a Governour in before. Sometime since I had a petition prefer'd to me against Mr. Oliver Kennedy the late

Deputy Provost Marshal; I ordered the Judges and H.M. Attorney General to examine into it, and to take his answer, which they accordingly did. Upon which the said Marshal resigned his office, and I put his brother Mr. William Kennedy into his room, he giving the security for the payment of his rent to Messrs. Reynolds, as also for his honest behaviour in his office, by which I hope I have done the Countrey justice without injuring H.M. Patentee *etc.* *Signed,* Henry Worsley. *Endorsed,* Rd. Oct. 17th. 6 *pp.* *Enclosed,*

671. i. Account of Stores of War, Barbados, 1727. *Signed,* Wm. Leslie. 1 *p.* [*C.O.* 28, 44. *Nos.* 112, 112 i.]

Aug. 15. Barbados. **672.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Endorsed,* Recd. 2nd, Read 20th Oct., 1727. 6 *pp.* *Enclosed,*

672. i. Minutes of Assembly of Barbados, 8th Aug., 1727. 6 *pp.*

672. ii. Address of Assembly to Governor Worsley. 25th July, 1727. *Copy.* 3½ *pp.*

672. iii. Reply of Assembly to Governor Worsley's Message. *Copy.* 2¼ *pp.* [*C.O.* 28, 19. *ff.* 15–17*v.*, 18*v.*, 20*v.*–23*v.*, 25–28*v.*]

Aug. 15. Boston. **673.** Lt. Governor Dummer to the Council of Trade and Plantations. I have formerly sent your Lordships an account of the Treaty of Submission and Pacification made with the Delegates of the Eastern Indians at Boston in Decembr. 1725, and the ratificat. of the same by the Penobscot Indians at Falmouth in Aug. 1726 with copys of all the papers and instruments relating thereto. I have now the satisfaction to acquaint your Lordships that in the latter end of the last month upon a meeting at Falmo. with the Arrasaguntacock Norrigawocks and Wooweenock tribes I received their ratification of the aforesd. Treaty, and also further concluded with them and the Penobscot Indians, a seperate article for joyning our forces to repell any Indians that shall attempt to break this Peace, which last Article I apprehend will very much enforce what was done before. I now inclose your Ldships a printed copy containing the whole of this affair and I shall only observe to your Ldships that the Arresaguntacock and Wooweenock Indians live on the River of St. Francois a branch of Canade River about 250 miles distant from any English settlement and that they never before that I can finde by any of the former Treatys submitted themselves to H.M. or to his Predecessors in this or any other English Government. I am to meet the Genl. Assembly of this Province on an adjournment tomorrow and when the Sessions is finished I shall transmit to your Ldships the Journals thereof. *Signed,* Wm. Dummer. *Endorsed,* Recd. 27th Sept. 1727, Read 24th May, 1728. *Holograph.* 1½ *pp.* *Enclosed,*

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673. i. The Conference with the Eastern Indians at the Ratification of the Peace, held at Falmouth in Casco Bay in July and August, 1726. *Printed.* Boston, for Benj. Eliot. 23 *pp.* quarto.

673. ii. The Conference with the Eastern Indians at the further Ratification of the Peace, held at Falmouth in Casco Bay in July [11th—27th], 1727. *Printed.* 31 *pp.* quarto. *Nos.* i and ii. *Endorsed,* Recd. 27th Sept., 1727. [*C.O.* 5, 870. *ff.* 71*v.*, 72*v.*–100*v.*]

Aug. 18. *Ludlow Castle* in Placentia Bay.

674. Commodore St. Lo to the Council of Trade and Plantations. *Refers to* letter of 6th May. By the next oportunity will compleat his answers to the Heads of Enquiry *etc. Continues:*—In the meantime I can't omitt inclosing the copies of the letters which have passed between Lt. Govr. Gledhill and myself and also a copie of some grants wch. he has presumed to give to fishermen, and as I conceive your Lordships never impower'd him to act in the Fishery, I shall never allow of such pretended authority, for by your Lordps'. commands in the 50th Article of the heads of Enquiry, I am particularly order'd to prevent, and agreeable to the same the Fishing Admiralls of this harbour have this day complyed wth. my order of the 14th instant under their own hands, and as the Fishery in general expects I should transmitt it to your Lordps. in order to be redressed I have here inclosed the same. It would be too tedious to trouble yr. Lordps. (at this juncture) wth. any further acct. of the grievances they labour under (of wch. they have complained to me), but will take a more proper opportunity to represent themselves, *etc. Signed,* Jon. St. Lo. *Endorsed,* Recd. 6th Oct., 1727, Read 2nd April, 1728. 1 *p. Enclosed,*

674. i. Return by Fishing Admirals to Commodore St. Lo, in response to his order of 14th inst. List of 27 houses with beach belonging thereto at Placentia, with names of occupants and amounts paid by them to Lt. Governor Gledhill therfore, in all, £131 5*s.* 0*d.*, "to the great discouragement and imposition of H.M. subjects" *etc. Signed,* John Commyns, Adml., William Chappell, Vice-Admiral, Wm. Brooks, Rear Ad. Placentia, 18th Aug. 1727. *Addressed.* 2¾ *pp.*

674. ii. Commodore St. Lo to Lt. Govr. Gledhill of the Fort in Placentia. *Ludlow Castle.* Aug. 14, 1727. I am informed by my Lieutenant that you have taken upon you to summons the Commanders and inhabitants of the Fishery in this harbour (if any such may be found exclusive of your Garrison), and as this is an encroachment not only into an Act of Parliament, but on the power and authority of the Lord High Admirall's Commission and that of the Lord Commrs.

for Trade *etc.*, I hope, for the future, you will forbear, for you must certainly know (that in my absence) the Fishing Admiral has the sole power and authority over all the inhabitants in this harbour as the said Act directs. *Signed*, John Saint Lo.

674. iii. Lt. Govr. Gledhill to Commodore St. Lo. Aug. 14, 1727. *Reply to preceding. Hopes* by a prudent reply to avert a paper war between old friends *etc. Continues*:—By H.M. sign manual I am Lt. Govr., not only of Placentia, but of all the forts that is or shall be erected in Newfoundland. It is my duty to summon every inhabitant to take the oaths to his present Majesty, and no threats will deter me *etc.* Your absolute authority, in regard of the Fishery, I never yet questioned, no more than the limitted power of a fishing Admirall whose utmost extent exceeds not the bounds of the disposition of the Fishery *etc. Signed*, S. Gledhill.

674. iv. Copy of Lt. Governor's order, requesting "all the officers belonging to Fort Fredric and Commanders of ships in this harbour, with the principal inhabitants thereof, to meet at the Governor's house to take the oaths required," *etc.*

674. v. Commodore St. Lo to Lt. Govr. Gledhill. Aug. 15. I have nothing to do but represent facts with justice and truth *etc.* This will never clash with you, *etc.*, nor distant me from your good company, and the regard I have to good beef and pudding with which your table (at ye sutling house for half a crown ahead) always abounds *etc. Continues*:—None concerned in the Fishery shall offer to lessen the respect due to your just authority in your Government limitted within the walls and picketts of your fort, and if any dare to make the least encroachment (on your first complaint) I shall use them according to their demeritt, as the exercising all such power is only vested in the Commanders of H.M. shipp of warr and Admiralls in Newfoundland for the time being. *Signed*, John Saint Lo.

674. vi. Lt. Govr. Gledhill to Commodore St. Lo. Placentia. Aug. 16th. You(r) rub upon the plentiness of my table, is no rub at all, for I have none, since the decampment of my family, yet I've often told you that my dary, poaltry, or cattle you command as freely as your own. This petty dispute between the power of a King's Governour and a nicname Lord, let you and I adjourn to the Court of request a month hence *etc. As to* my authority being limitted within the walls of a fort *etc.*, my Sovereign tells me (abstracted

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from the Fishery) it extends to every part and corner of this land *etc.* Sure I am, were I at St. Johns, 'tis my duty to convene all H.M. subjects at this juncture to take the oaths, so sure as the refusers, the Law declares Popish recusants. Because a Governour is not to intermeddle with the Fishery, will it be a plea why a fisherman shall not take the oaths to the only person legally impowered to administer 'em, which as I have done this 7 years, so nothing but a deprivation shall prevent me ye 8? *etc.* I am sensible ye Commanders of H.M. ships has the sole power vested in 'em touching the Fishery, it must be a point strained too far, when I'm forbid intermeddleing with the Fishery, I should not grant a man a pass to carry his fish to market, tho' signed by the Lords of the Admiralty, which according to the late system I cannot do. *Signed,* S. Gledhill.

674. vii. Commodore St. Lo to Lt. Govr. Gledhill. *Ludlow Castle,* Aug. 17. Laying aside compliments and strained sentences, I do acquaint you, that as I have the command from my Lords Commissioners of the Admiralty over all the Commanders of the fishing ships as well as over all the inhabitants on the Southern coasts of Newfoundland, in this capacity I shall act, and therefore have tendered the oaths to them as the Law directs, wch. in conjunction with all my officers, we have taken and subscribed, which I shall send home by the first opportunity *etc.* Argues as to the limitation of the Governor's power *etc.* *Signed,* John Saint Lo. *Copies. The whole,* 5½ *pp.*

674. viii. Copy of permit, 1st Oct., 1725, to Elisher Rowlands, to occupy a stage, house and room for four boats at Petty Placentia, at a quit rent to H.M. of 1 quintal per annum, granted by Col. Gledhill, "Governor of Placentia Fort Frederick and Commander in Chief of Newfoundland." *Countersigned,* John Spencer, with note by St. Lo that in Lt. Governor Gledhill's letter of 14th he only stiles himself "Lt. Governor of all the forts that is or shall be erected in Newfoundland." *etc.* *Copy.* 1 *p.* [*C.O.* 194, 8. *ff.* 116, 117–122, 123*v.*]

Aug. 21.
St. James's.

675. Order of King in Council. Referring to a Committee of the Council the representation of 14th Aug. and draft of Instructions for Lord Baltimore. *Signed,* Ja. Vernon. *Endorsed,* Recd. 3rd, Read 4th May, 1727. 1 *p.* [*C.O.* 5, 1266. *ff.* 251, 252*v.*]

1727.
Aug. 23.
Laurance Pountney Lane in Cannon Street.

676. Mr. Chambers to Michael Shaw. In answer to his advertisements in the dayly post about Spanish captures, submits memorial of loss of £524 prime cost of calicoes *etc.* shipped by him on board the *Anne* for Boston. *Concludes:*—She was esteemed to be very rich worth £20,000 sterlg. *Signed,* Sheldon Chambers. *Addressed.* 1 *p.* [*C.O.* 388, 27. *No.* 80.]

Aug. 23.
Whitehall.

677. Council of Trade and Plantations to Lord Townshend. Enclose following to be laid before H.M. *Annexed,*

677. i. *Same* to the King. Submit following.

677. ii. H.M. Commission for the Earl of Orkney to be Governor of Virginia *etc.* In the usual form. [*C.O.* 5, 1365. *pp.* 336–366.]

Aug. 23.
Whitehall.

678. Council of Trade and Plantations to Lord Townshend. Enclose following to be laid before H.M. *Annexed,*

678. i. *Same* to the King. Lay before H.M. draughts of Commissions for Governor Montgomery, in the usual form.

678. ii. Draught of Commission for John Montgomery to be Captain-General and Governor in Chief of New York *etc.* [*C.O.* 5, 1124. *pp.* 409–437; *and* (*rough drafts*) 5, 1079. *Nos.* 145, 145 i, ii.]

Aug. 23.

679. Draft of H.M. Commission for Col. Montgomery to be Captain-General and Governor in Chief of Nova Cæsaria or New Jersey. *v.* N.J. Archives, 1st Ser. V, 167 *and* N.Y. Col. Doc. V, 824. [*C.O.* 5, 996. *pp.* 149–169.]

Aug. 23.
Whitehall.

680. Council of Trade and Plantations to the King. Submit for confirmation Act of Jamaica, 1723, *for encouraging white people to come over etc.* [*C.O.* 138, 17. *p.* 235.]

Aug. 23.
Whitehall.

681. *Same* to *Same.* It being necessary upon your Majesty's happy accession to the Crown, that new seals be sent to each of your Majesty's Plantations in America *etc.* *Pray* H.M. to direct proper seals to be made and sent *etc.* [*C.O.* 324, 11. *p.* 50.]

Aug. 23.
Whitehall.

682. *Same* to the Duke of Newcastle. Upon looking into our books we find our predecessors have sometimes found themselves under difficulties for want of being informed of such Commissions, Orders or Instructions as may have passed in the Secretaries Offices for persons and matters relating to the Plantations. And therefore we desire your Grace would be pleased to give directions that for the future proper notice may be given to this Board of all such Commissions, Orders and Instructions, which we apprehend will be for H.M. service. [*C.O.* 324, 11. *pp.* 50, 51; *and* (*autograph signatures.* 1 *p.*) 5, 4. *No.* 32.]

1727.
Aug. 24.
New York.

683. Governor Burnet to the Duke of Newcastle. Upon receiving by a private hand the printed Proclamation of his present Majesty, I did on the 21st proceed to proclaim H.M. King George the Second with the usual solemnities at New York, and am now going to Perth Amboy *etc.* I have now finished the strong house at Oswego, but have lately received a summons sent to the Commanding Officer there from the Governour of Canada, to demolish and abandon it in 15 days. He at the same time sent the Governour of trois Rivieres, the third person in rank in Canada, to me with a letter *etc.* This gentleman (*M. de la Chassaigne*) proposed that the decision should be left to the two Crowns, to which I agreed, but in the mean time he would have it abandoned, to which I could by no means agree, since our right to it is undisputable *etc.* *Refers to enclosures* which contain the whole argument. *Hopes that* H.M. will protect the Province and the Five Nations against the French attempts, so contrary to Treatys and all rights. " The unwillingness of the French, to name Commissaries, and their constant encroachments upon us, are very notorious and dangerous. In the mean time I have doubled the garrison, and sent stores and provisions sufficient thither, and as I am informed, the French cannot bring great cannon to batter it, I am in hopes to maintain it against them, and that your Grace will obtain H.M. approbation of what I have done *etc.* P.S. Aug. 26th. *Has received* Instruction of 23rd March, and yesterday proclaimed H.M. in Perth Amboy. *Hopes* His Grace will recommend him to be continued in these Governments, since no complaints lie against him, and he has done what lay in his power to strengthen the British interest with the Indians. *Set out,* N.Y. Col. Docs. V. *pp.* 824, 825. *Signed,* W. Burnet. *Endorsed,* Rd. Dec. 19th. 4 *pp.* *Enclosed,*

683. i–v. Duplicate of *Nos.* 684, 684 i–v. [*C.O.* 5, 1092. *Nos.* 56, 56 i–v.]

Aug. 24.
New York.

684. Governor Burnet to the Council of Trade and Plantations. *Abstract.* *Received* on 20th confirmation of His late Majesty's death *etc.* Amplifies *preceding covering letter.* " This new house at Oswego, will make a stand that will embolden our five Nations, and will not easily be taken without great cannon the wall being four foot thick of large good stone " *etc.* *Continues :*—I have had a report from some New England captives lately redeemed from Canada, that the Governour was preparing 400 French and 800 Indians to attack this fort. But there is reason to beleive that this is more given out to intimidate us, than really intended, and when I charged the Governour of trois Rivieres with it, he utterly denyed it *etc.* However, if they should come, we are provided with a double garrison at Oswego, provisions for six months, and powder and ball sufficient for their defence, and I have sent proper persons among our five Nations, with presents to them, to engage them to stand by us, and not to suffer any Indians to molest us upon their land, *etc.*, so that I am in good hopes to be able to hold this place *etc.* *Asks for* the Board's support *etc. as preceding.* P.S. 26th Aug. *Asks for* the Board's recommendation *etc.* as preceding. *Set out*, N.Y. Col. Docs. V. *pp.* 825–827. *Signed*, W. Burnet. *Endorsed*, Recd., Read 20th Dec., 1727. 6 *pp.* *Enclosed*,

684. i. Governor Burnet to the Marquis de Beauharnois, Governor of Canada. New York, 8th Aug., 1727. *Reply to* following. *Complains* of his sudden and peremptory summons to the English officer at Oswego. *Cites* the Treaty of Utrecht as giving to the English and French an equal right of trading through all the Lakes and Continent and to all the Indians a right to trade with the English. What gave him the first thought of fortifying a post at Oswego was the fortified and much larger house built by the French at Niagara, upon the lands of the Five Nations, as M. de Longueil's letter of 16th Aug., 1726, admits, for he claims it was done with their consent. *Replies* to his version of the treaty of Utrecht and asserts that he will maintain the post at Oswego till he receives new orders from the King. *Set out*, N.Y. Col. Docs. V. *pp.* 829–832. *Signed*, W. Burnet. *French. Copy.* 10 *pp.*

684. ii. M. de Beauharnois to Governor Burnet, Montreal, 20th July (N.S.), 1727. Is astonished that he has given permission to English merchants to carry on a trade at the River of Oswego and has ordered fortifications to be built at the mouth of that river, and placed a garrison there. Such a settlement at the entrance of Lake Ontario is a manifest infraction of the Treaty of Utrecht, it being expressly stipulated, that the subjects of each Crown shall not molest nor encroach upon one another, till the limits have been fixed by Commissaries. He has summoned the Officer commanding at Oswego to demolish the fortifications and other works there and to evacuate that post *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 827, 828. *Signed*, Beauharnois. *French. Copy.* 4 *pp.*

684. iii. (*a*) M. de Beauharnois to the Officer Commanding at Oswego (at the mouth of Cheriequen River) to destroy that settlement and withdraw the garrison within a fortnight. Montreal, 15th July (N.S.), 1727. *Signed*, Beauharnois.

(*b*) Certificate by Chevalier Begon, Major of the Town, Castle, and Government of Quebec, that he presented the above summons to Mr. Banker, 15th July *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 828, 829. *Signed*, Begon. *French. Copy.* 2 *pp.*

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684. iv. English translation of *No.* i. 9 *pp.*

684. v. English translation of *No.* ii. 4 *pp.*

684. vi. English translation of *No.* iii. 1½ *pp.* *The whole endorsed,* Recd. Read 20th Dec., 1727. [*C.O.* 5, 1054. *ff.* 181–183*v.*, 184*v.*–189*v.*, 191–193*v.*, 195–199, 201–203*v.*, 204*v.*]

Aug. 26— Sept. 2nd. Charles Town. **685.** (*a*) Council and Assembly of S. Carolina to Capt. Massey, Aug. 26, 1727. In view of the extreme danger of the southern settlements from the Indians, who have lately murdered several of H.M. subjects, *request him* to move H.M. Independent Company from Fort King George to Fort Royal Island.

(*b*) President Middleton to *Same.* Aug. 31. To same effect as preceding.

(*c*) Capt. Massey to Kingsmill Eyre at the Horse Guards. Encloses following. Charles Town, Sept. 2, 1727. *Signed,* Edwd. Massey.

(*d*) Capt. Massey to Henry Pelham, Secretary at War. Charles Town, Aug. 31st, 1727. The enemy Indians haveing already appeared among the Southern Settlements and comitted several murthers and the inhabitants of Port Royal expecting daily to be visited by the Spaniards in conjunction with those barbarous people have by humble petition represented to the President Council and Assembly now setting that unless H.M. Independant Company be speedily removed thither for their protection not only that florishing Island but all the settlements in those parts must be abandoned to their utter ruin and destruction, they being in hourly danger of their lives, and in no condition of defending themselves. The inclosed (*Nos. a and b supra*) will shew the sence of the Governmt. on this melancholy occasion and I doubt not but the preservation of the lives and estates of so many of H.M. subjects will sufficiently justify the abandoning a Fort not tenable and which never did nor can afford the least protection to the Province. *Signed,* Edwd. Massey. *Copies.* 3 *pp.* [*C.O.* 5, 387. *No.* 77.]

Aug. 26. **686.** Capt. Woodes Rogers to the Duke of Newcastle. *Encloses* copy of following petition "I presented H.M. by favor of Lord Townshend, who was present and promised his good offices, which I also beg from your Grace" *etc.* *Signed,* Woodes Rogers. *Addressed.* 1 *p.* *Enclosed,*

686. i. Petition of Capt. Rogers to the King. *Describes* his services at the Bahamas, and his losses *etc.*; He laid his case before his late Majesty (*v. following*), who referred it to a board of General Officers. *Quotes* their report and asks for a suitable compensation. 1 *p.*

686. ii. (*a*) Petition of *Same* to *Same.* Lays following statement before H.M., and begs to be employed

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again and granted half-pay as Captain of Foot from the time he was superseded *etc.*

(*b*) Case of Capt. Woodes Rogers. Describes condition of the Bahama Islands when he was appointed Governor (*v.* C. S. P. 1718 *etc.*). *Continues* :—For rendering the intended settlement on Providence more beneficial to trade *etc.*, he was obliged to join in copartnership with four gentlemen of distinction, and two merchants, for settling a Collony and raising a trade upon the place, in order to which a cargoe and shipping were prepar'd, and there went thither at the charge of the Co-partners, about 250 persons, besides the Independant Company, who together with the goods, made the whole expence to the Co-partnership about £11,000, which was put under the care of two Factors, agreed on to be independant of Capt. Rogers as Governour. Being arrived, the most obstinate pirates made some resistance, but they burnt their ship of 22 guns, retireing in a sloop of 12, with about 100 men, into shoal water, where they could not be follow'd. Soon after the Governr. landed he found himself encompass'd, with about 600 others, who tho' they had submitted to H.M. Act of Grace, and readily sworn allegiance *etc.* taking certificates of their submission, yet most of them retain'd their piratical principles, and after the ships of war left him, before he had any fortifications finished, he was oblig'd to encourage vessells to goe out for a supply of provisions, and to begin a trade for the support of the Collony. But as new settlements are always difficult to establish, especially here amongst men of the most profligate lives, that were profess'd enemys to all order and Government, the vessells that were sent out turn'd pirates, and ran away with the goods brought for trade, whilst others surrounded the Collony by sea, and took all supplys coming to him, so that what he carried thither, and did not expend in supporting those who stood by him, to raise fortifications and secure the place, was near all of it either taken or lost, in five months after his arrival at Providence, at which time he had with much fatigue rais'd a defensible fortification and mounted 50 guns. Beginning to want all necessarys, he drew bills home for his support, and being without an established fund to carry on the settlement they lay protested, and he had no power to raise money as in other Collonys, neither were the inhabitants well able to supply him with anything considerable *etc.* *Describes* his repulse of the Spaniards, "tho' he had not one

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fourth of their number, nor half of those that could be rely'd on, wch. he was so sensible of *etc.*, that on notice of the Spaniards' approach, he secur'd within his fortifications all the rudders and sails of above 20 vessels then in the harbour, or they would have deserted him, and carried off most of his people on appearance of the enemy." *Continues :*—He was in danger of intestine commotions and weaken'd by contagious distempers, soon after his landing, that destroy'd above half the best of those people he brought with him, and whom he might have depended on, among the dead were the two Factors for the Co-partnership, who left their affairs in great confusion, and their being none to manage their concerns, the Governour was oblig'd to receive the little goods that were left, into his care, which he delivered afterwards to one of the Co-partners, sent thither from London, only impower'd to manage a trade for the rest, without any new strength or support, for the Governour or Collony worth notice. Whilst he struggled thro' more hardships than can here be expressed at an unexpected great expence and maintained the place at his own credit from the American Plantations, and preserved it from the Spaniards and pirates *etc.*, yet he has alone been left accountable for the expence of this remarkable service, as well as for all the rest of the extraordinary charges he without reserve entered into for the preservation of this Collony. It must have been lost to the Spaniards had not the cessation of arms come just in time *etc.* Yet the Spaniards kept cruizing vessels still hovering about, taking ours and insulting our settlement *etc.* Left without support or advice from home and no answer to his application for leave *etc.* the Governor, whose health was much impaired, was obliged to return home for his own and the place's security, in 1721, when he found to his great surprise another Governour appointed in his stead, at the instance of his co-partners, who likewise had disposed of the whole joint-stock, in copartnership, and received for it £20,000, in such a way as was practis'd the foregoing year, out of which project they also acknowledged to have rais'd a much larger sum, by subscriptions, at 3 p.c. for the first payment, with which they favour'd many of their friends, and then collected money from all sorts of people, that dealt at that time in Exchange Alley, pretending to join with them, in a new Co-partnership, for raising and employing two millions and half of money, and to merit greatly from the publick for their services, in supporting the place, tho' in truth they had contributed, after the first setting out, neither money nor credit towards it, not even to the value of £100, but left all the danger and expence on Capt. Rogers, and have kept to themselves all that they could any ways hold. Capt. Rogers not recovering in his health for some time, and being very much perplexed with the melancholy prospect of his affairs, having sunk more than £3,000 of his own, from the beginning to the end of this affair, and remaining above double that sum in debt, by this employ dejected him to that degree, that it render'd him incapable of seeking any redress, and having no ways to extricate himself from this dilemma, whence he could make no application to the Ministry or Parliament, seperate from his Co-partners, the whole being so much perplex'd, and look'd on as a Bubble (tho' he was no ways concern'd in the same) all was left to the decision of the Courts of Justice, and he not in a condition to struggle at law with them, as he must, before he could obtain relief, had he commenc'd a suit, and they always refusing to adjust the same with him, by an amicable referrence to arbitrators, he was forc'd to lett all matters therein goe as they would, till at last with the advice and consent of his creditors, he receiv'd what his Co-partners were pleas'd to allow him for his share, which was but £1,500, and a bond for £500 more if they gott a new Charter, which being very far short of his due or what he stood engag'd for this service, he was oblig'd to deliver it up, and all he had in the world to his creditors, who being fully convinc'd of the unexampled hardships, he endur'd, left him £400 out of his money, for what he expended to support himself after he came home from his Government *etc.*, and also clear'd him, as soon as they could goe through the forms of a statute of bankrupt which he suffered, there being no other method to free him from a prison *etc.* His good behaviour in his Government is well known to all that were there, and was then approved both at home and abroad *etc.* Being now at liberty again, tho' with the loss of all his time and fortune, *prays* H.M. to employ him again and recompense him for the loss of his half-pay as Capt. of the Independant Company, which has not been paid to him since he was superseded *etc.*

This petition was referred by H.M. to a Board of General Officers, who recommended (July 15, 1726) that he Capt. Rogers be placed on half-pay as Captain

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of Foot from the time of his being superseded which was done. *Report quoted.* 8 *signatures.* The whole, 9 *pp.* [*C.O.* 23, 12. *Nos.* 90, 90 i, ii.]

Aug. 28. New York. **687.** Governor Burnet to Mr. Popple. This goes by the ship *Samuel etc.* I have sent the duplicates to the Lords separate, to avoid mistakes, as I intend to do for the future. *Encloses* Naval Officer's accounts for Perth Amboy. *Concludes* :—I have proclaimed H.M. in both Provinces, upon certain news of the late King's death, and upon seeing the printed Proclamations which came from London. This I doubt not was sufficient without waiting for orders. *Signed*, W. Burnet. *Endorsed*, Recd., Read 20th Dec., 1727. ¾ *p.* *On back*,

687. i. Duplicate of 30th June. [*C.O.* 5, 972. *ff.* 141, 142, 142*v.*]

Aug. 31. Whitehall. **688.** Duke of Newcastle to the Council of Trade and Plantations. *Directs* that an Instruction be prepared for Governor Montgomery relating to his appointments, agreeable to that of Governor Hunter, *v.* 20th July. *Signed*, Holles Newcastle. *Endorsed*, Recd. 1st, Read 7th Sept., 1727. 1 *p.* [*C.O.* 5, 1054. *ff.* 161, 162*v.*]

Aug. 31. Whitehall. **689.** Circular letter from the Council of Trade and Plantations to Governors of Plantations (Barbados, Leeward Islands, Jamaica, Bahamas, N. York, N. Jersey, Virginia, Massachusetts Bay, N. Hampshire, Bermuda, S. Carolina). Having observed that the Minutes of Council and Assembly and Acts therewith transmitted from several Governors have not been abstracted in the margins, in the manner prescribed by H.M. Instructions we desire that for the future you will give directions to the proper Officers, that all Acts and Minutes both of Council and Assembly may be fairly abstracted in the margin. [*C.O.* 324, 11. *p.* 51.]

[? Aug.] **690.** President Carter to the Council of Trade and Plantations. According to what I had the honour to write you in my last, I here inclose the proceedings of the Council on the 14th and 15th June last, which in all probability would have compleated the account of my administration, had not some new incidents occasioned my calling another Council on the 17th instant, the Minutes whereof I hope in a short time to forward to yor. Lordships. One thing which gave occasion to this Council, is a threaten'd invasion from the Western Indians. Their pretences at first was to revenge themselves of some of our Tributarys and the Tuscaruros; but having met with some success in that enterprize, they begin to talk more insolently, and to threaten our frontier inhabitants but I hope the measures projected will not only disapoint their

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designs, but remove them further of from our frontiers. Another thing which hath lately happened here, is the hasty forming and as speedy suppression of a gang of pirates in North Carolina. One Vedell a man of desperate fortune having got with him three or four others of the same stamp fitted out a perriague, and took and plundered several trading vessells on that coast, but before he had encreased his gang, he was sett upon by some of the country people and taken with two more of his first gang and one press't man; they were sent in hither for tryall, and on 17th inst. Vedell and two of his people received sentence of death, and will be speedily executed *etc.* Upon the uncertainty of the Lt. Governor's arrival, I have prorogued the General Assembly to 16th Nov., judging that tho' his arrival should happen as soon as may be, the General Court and other affairs of the Government will not permitt him to hold an Assembly sooner, nor indeed is there any imediate necessity for it's meeting. *Signed,* Robert Carter. *Endorsed,* Recd. 9th Oct., Read 6th Dec., 1727. *Without date.* 2 *pp.* *Enclosed,*

690. i. Minutes of Council of Virginia, 14th and 15th June, 1727. *Endorsed,* Recd. 9th Oct., 1727. 6⅓ *pp.* [*C.O.* 5, 1320. *ff.* 205, 205*v.*, 206*v.*, 207, 208–211.]

Sept. 2. Charles Town. **691.** Capt. Massey to Kingsmill Eyre Esq. at the Horse Guards. *Refers to* accounts and establishment of his company, *and encloses* copy of letter to the Secretary of War announcing the abandonment of Fort King George in order to protect Port Royal and the Southern Settlements pursuant to the desire of the Government *etc.* *Enclosed,*

691. i. Council and Assembly of S. Carolina to Capt. Massey. 26th Aug. 1727. In view of the extreme danger of the Southern Settlements from the Indians (who have lately there murthered several of H.M. subjects), *etc.*, *request him* to remove his Company to Port Royal. *Signed,* Benja. De La Conseillère, William Buck, Cha. Hart, Secry., A. Skene, B. Schenckingh, Tho. Broughton, Speaker.

691. ii. President Middleton to Capt. Massey. Aug. 31st, 1727. To same effect, with clause quoted Sept. 14th *q.v.*

691. iii. Capt. Massey to Henry Pelham, Secretary at War. Charles Town, 31st Aug., 1727. *v. covering letter.* *The whole endorsed,* Recd. 20th, Read 28th Nov., 1727. *Copies.* 3¼ *pp.* [*C.O.* 5, 360. *ff.* 30–31*v.*]

Sept. 7. Whitehall. **692.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extract from Mr. Ayscough's letter, 16th July. *Continue:*—By which you will perceive what confusion that Island is in, and how necessary it is that the Govr. should be sent there with all convenient speed properly instructed.

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Your Grace will be pleased upon this occasion to observe that part of the funds in the draut. of the Revenue Bill which has been so long the subject of contest here, computed at £3,000 pr. annum, may probably fall very short of that value, and therefore it will import H.M. that more sufficient funds should be substituted in the room of some of those mentioned in the said draut. particularly of the duties relating to indigo before H.M. shall be gratiously pleased to confirm their Laws. [*C.O.* 138, 17. *p.* 236.]

Sept. 8. **693.** Governor Montgomerie to the Council of Trade and Plantations. *Applies for* the confirmation of the Acts of New York, (i) *for the more easy partition of lands in common,* (ii) *amending the practice of the law,* and Acts of New Jersey (i) *concerning the duty of the Commissioners appointed to manage the loan offices,* and (ii) *for an additional support of this Government and making current* £40,000 *in bills of credit etc. Continues* :—The paper currency established by the said Act is free from all the inconveniencys which has attended that sort of money in other H.M. American Provinces this currency being only used as a necessary remedy for the deficiency of gold and silver specie and thereby to prevent a stagnation of commerce, and to set New Jersey upon an equal foot with its neighbouring Colonies *etc.* There is in the Loan Office a very considerable sum arisen by interest upon the bills of credit over and above the necessary sinking fond, which will absolutely pay off and discharge the said paper currency. Which money Memorialist begs yr. Lordps. to permitt to be applyed to the publick services of the Government. For yr. Memorialist hopes yr. Lordps. would not force him upon so ungratefull a proceeding at his first arrival in his Government as to propose a new tax and burthen to the Province to bear the necessary support of the Government, when there lyes so much useless money in their coffers already. *Set out,* N.Y. Col. Docs. V. *p.* 832. *Endorsed,* Recd. Read 8th Sept., 1727. 1 *p.* [*C.O.* 5, 1054. *ff.* 163, 164*v.*]

Sept. 8. Whitehall. **694.** Mr. Popple to Mr. Fane. Asks for reports upon Acts of New York sent to him 23rd Feb. and 10th March. [*C.O.* 5, 1124. *p.* 438 ; *and,* (*rough draft*) 5, 1079. *No.* 146.]

Sept. 11. Fort Fredric. **695.** Lt. Governor Gledhill to the Council of Trade and Plantations. In perfect obedience to your Lordships commands received by the *Drake* sloop the 3rd of Sept. in the most solemn manner, having conven'd the principal planters and Comanders of ships here wee unanimously with one heart and voice proclaimed our Sovereign Leige Lord George the 2nd King *etc.* Which ceromony was performed under the discharge of all the artillery of Fort Fredric the same day. After which I dispers'd your Lordships commands to the principle parts of this Island *etc. Signed,* S. Gledhill. *Endorsed,* Recd. 16th, Read 17th Oct., 1727. *Addressed.* 1 *p.* [*C.O.* 194, 8. *ff.* 114, 115*v.*]

Sept. 13. Whitehall. **696.** Thomas Smith to the [? *Duke of Newcastle*]. As I am credibly informed that Coll. Hope is upon his return to England, I beg your Grace's favour and that you'll use your interest for me with the King that I may succeede him in the Government of Bermudas. *Signed,* Thomas Smith. 1 *p.* [*C.O.* 37, 28. *No.* 38.]

Sept. 14. Whitehall. **697.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 2 Acts of St. Kitts, 1727, (i) *to subject all produce of the late French part of the Island, which shall be shipped off, to the payment of the* 4½ *p.c. duty, and to ascertain at what places all the duties of* 4½ *p.c. shall be received etc.* (ii) *against covenous and fraudulent conveyances, and for a publick registry,* and an Act of Antegoa, 1727, *for laying an additional duty upon all Madera wines imported, etc.* [*C.O.* 153, 14. *pp.* 270, 271.]

Sept. 14. Charles Town, South Carolina. **698.** President Midleton to Governor Nicholson. I'll do my utmost to send Journals by the next ship *etc.* The affair of the petitioners is at present somewhat more easy they having other subjects to divert them. I called the Assembly the 1st of Aug. to proceed on proper methods to appease the multitude. Augt. 2nd recd. advice of Smallwood the Indian trader and two others being killed and robbed by the Indians in our frontiers. Augt. the 3rd the Commons took upon them to make extraordinary resolves arraigning the proceeding of the Governmt. and to enquire into the committment of Landgrave Smith in custody of the Provost Marshall for high treason in levying warr against H.M. etc. which is only cognizable in H.M. Courts of Justice. Augt. 4th the house was sent for and forbid the same and they returning and persisting it was unanimously agreed in the Upper House to prorogue them till the 2nd Tuesday in September by Proclamacon. Aug. 14th recd. advice of some more of our peoples being killed and the rest terrifyed ordered a meeting the Council on the 17th when resolved to call the Assembly the 23rd of the same month they meet and was layed before them the several accots. from the frontiers and from the traders relating to the insolent behaviour of the Indians. Since which has been resolved to send two Expeditions one of 50 men and proper officers agt. the Yamasees and another of 300 with proper officers agt. the Lower Creeks. We are endeavouring to gett a good number of our Friend Indians to join them. Landgrave Smith at an adjourned sessions on his petition for the benefit of the Habeas Corpus Act was admitted to bail and gave securities 10,000 pounds. The Spanish privateers has been very troublesome have taken several vessells coming hither so that we have not been able to receive any accots. from any place so that we may fear they have taken our ships from Great Britain. But what accots. we have is by several of the masters of the vessells taken and put on shoar as follows, a schooner from hence taken and sent to the Havannah, Capt. Austin in the *Lydia* was chased and is since come on shoar his ship lost and sold, Capt. Kerstead from New York in the sloop *Two Brothers* laden with flower taken and sent to the Havanna, Capt. Middleton in the sloop *Betty* belonging to Mr. Andrew Allen and laden with bread and flower taken and carried to the Havannah, John Hall of the snow *Begining* of Bristol from the Bay with loggwood taken and plundered, his snow given to him again and several of the prisoners put on board him and sent in hither. The privateers on this coast in number four a snow two sloops and a schooner the famous Commander Bloss was he that took these vessells. On the foregoing accot. the man of war immediately sett out and Capt. Mountjoy in the sloop *Palmer* fitted out with proper armes ammunition and stores of warr manned with 100 men sent out the 12th instant to scour the coasts and protect the trade his time limitted to about six weeks cruize. We have a bill now before the Assembly to defray the charge what may be the proviso. therein I can't at present tell but heartily wish it may be agreeable to H.M. Royal Instructions and do further hope they will go through this bill before any other thing be promoted by the Commons to the interruption thereof which done I think the seasons of the year the harvest and the fitting out ye said Expeditions will be sufficient reasons for further proroguing the Assembly till a more proper time before which I hope here to kiss your hand. P.S. Capt. Massey hath prevailed upon both Houses to vote in favour of removing the Garrison of Fort King George with the cannon ammunition and stores to Port Royal for the defence of that place, but I could not join with them in requesting him so to do without this caution in my first letter to him [if you have power so to do] to which he objected, on which I amended it with the following words instead thereof vizt. [If you beleive it will not be of any injury to H.M. claim to the River Alatamaha]. *Signed*, Ar. Middleton. *Endorsed*, Recd. (from Genl. Nicholson), Read 28th Nov., 1727. *Addressed.* 2¼ *pp.* *Enclosed*,

698. i. Deposition of Joseph Jones of S. Carolina, mariner. 2nd Sept., 1727. *Describes* capture of the *Two Brothers* and the *Betty* (*v. preceding*) by the Spanish privateer, Capt. Bloss. When deponent said he did not understand that there was war, Bloss replied that he had a Commission from the King of Spain, and would make war on the English *etc.* *Signed*, Jos. Jones. 2 *pp.*

698. ii. Deposition of John Hall, late master of the snow *Begining*, of Bristol *etc.* 8th Sept., 1727. *Describes*

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capture by a Spanish privateer, flying the English Jack at first, off the bar of Ashley River, commanded by Bloss Roderego, who said he had a commission from the King of Spain to take all English subjects *etc. v. covering letter. Signed,* Jno. Hall. 2 *pp.*

698. iii. Deposition of Solomon Middleton, master of the sloop *Betty.* 5th Sept., 1727. *Describes* capture *as preceding* by Bloss Roderigo who said the King of Spain had proclaimed war against the King of England *etc.* He told deponent that he had come with four privateers belonging to the Havannah to convoy the Flota Armado through the Gulf consisting of 10 sail freighted with silver and gold *etc. Signed,* Solomon Middleton. 1 *p.*

698. iv. Deposition of Jacobus Kiersted, master of the *Two Brothers.* Sept. 8th, 1727. (*v. preceding.*) *Confirms No.* 1. *Adds* :—Bloss told deponent that there was war and that 10 or 12 pettiaugers were fitting out of St. Augustine to come along the coast. He shewed him his Commission, 10 or 12 of which, he said, were sent from the King of Spain to the Governor of the Havannah. *Signed,* Jacobus Kiersted. 2 *pp. Nos.* i–iv *endorsed as covering letter.* [*C.O.* 5, 360. *ff.* 24–29*v.*]

Sept. 15.
Chas. Town.

699. Mr. Hammerton to Governor Nicholson. The enclosed packet with a duplicate of accounts (*v.* 24th July) was sent some time since pr. Capt. Austin, but soon after his departure was unfortunately chased and lost his ship near Port Royal his letters being sav'd *etc. Continues* :—Our coast has been much infested with privateers who have taken four sails bound in here with provisions *etc.*, but at present I hope we are clear, the man of war having crused this ten dayes and now waits at the bar to convoy this ship out of danger, the countrey has likewise fitted out a sloop of 14 guns and 80 men *etc.* Last week arriv'd a vessel from Barbado's which brought us the melanchollу news of the death of his sacred Majty. *etc.* but as this is only report *etc.*, no publick notice is taken thereof. *Repeats part of July* 24 *etc. Continues* :—Capt. Massey is gone to remove the Fort from Allattamahah to Port Royal which must much encrease that place. As to the northwards, Mr. More and some others of this Province joyn with the No. Carolina people in sollicitting for officers at Cape Feare, and give it out they daily expect that place to be open'd a port *etc. Signed,* Wm. Hammerton. *Endorsed,* Recd. 2nd Jan. 172$\frac{7}{8}$, Read 16th July, 1729. *Addressed. Seal.* 2 *pp.* [*C.O.* 5, 360. *ff.* 153, 153*v.*, 154*v.*]

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Sept. 18.
Hartford in N. England.

700. Governor Talcott to the Council of Trade and Plantations. Pursuant to H.M. Orders (26th June) which came to our hands last week, we have this day in this place proclaimed King George in the most solemn manner, and given order that he be in like manner proclaimed in other propper parts of this Governmt. We have also published H.M. proclamation for the continuing all officers *etc.* *Signed,* J. Talcott. *Endorsed,* Recd. 5th Jan., Read 8th May, 1728. 1 *p.* [*C.O.* 5, 1267. *ff.* 19, 20*v.*]

Sept. 20.
Kensington.

701. Two Orders of King in Council. Approving Representation *No.* 681, and ordering new seals for the Plantations *etc.* *v.* A. P. C. III, *No.* 123. *Signed,* Robert Hales. *Endorsed,* Recd., Read 27th Sept., 1727. 2¼ *pp.* [*C.O.* 323, 8. *Nos.* 74, 75.]

Sept. 20.
Kensington.

702. Order of King in Council. Confirming Act of Jamaica, *for encouraging white people to come over and settle etc.* *Signed,* Robert Hales. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1½ *pp.* [*C.O.* 137, 17. *ff.* 34, 34*v.*, 35*v.*]

Sept. 20.
Kensington.

703. Order of King in Council. Approving draughts of Commissions for Governor Montgomery. *Signed,* Robert Hales. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 5, 1054. *ff.* 236, 237*v.*]

Sept. 20.
Boston, New England.

704. Mr. Lechmere to the Council of Trade and Plantations. Many complaints having been exhibited to me (as Surveyor General of the Northern Continent of America) in relation to some transactions in Nova Scotia, I have laid all the papers *etc.* before the Board of Customs *etc.* humbly requesting their immediate interposition, and that they would lay the same before your Lordships, hopeing thereby that the traders thither and the poor inhabitants there may be allowed to transact their affairs as formerly without any further molestation *etc.* *Signed,* Thomas Lechmere. *Endorsed,* Recd. 9th Nov., 1727, Read 31st May, 1728. 1 *p.* [*C.O.* 217, 5. *ff.* 74, 75*v.*]

Sept. 20.
Ludlow Castle, in Placentia Bay.

705. Commodore St. Lo to the Council of Trade and Plantations. Encloses following. *Signed,* Jon. St. Lo. *Endorsed,* Recd. 25th Decr., 1727, Read 2nd April, 1728. 1 *p.* *Enclosed,*

705. i–iv. Schemes (returns) of the Newfoundland Fishery, for 1727, in four sections, Placentia, the West, Trepassy and St. Peter's. *Endorsed,* Recd. 25th Dec., 1727. 4 *pp.* [*C.O.* 194, 8. *ff.* 124, 125*v.*, 126*v.*, 127*v.*, 128*v.*, 129*v.*]

1727.
Sept. 20.
Kensington.

706. Order of King in Council. Approving draught of Commission for Governor the Earl of Orkney. *Signed*, Robert Hales. *Endorsed*, Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 5, 1321. *ff.* 14, 15*v.*]

Sept. 21.
Virginia,
Williamsburgh.

707. Lt. Governor Gooch to the Duke of Newcastle. Upon my arrival at Williamsburgh, which was on the 8th Septr., I proceeded without loss of time in the execution of those orders I had the honour to receive, for on 11th Sept. the earliest meeting I could possibly have with the Council, my several Commissions were read, *etc.* I proceeded without delay, and with the assistance of the Council, other Gentlemen and principal Planters and inhabitants and forthwith proclaimed his most sacred Majesty *etc.*, with the solemnities and ceremonies requisite on the like occasions. *Encloses* address to H.M. "signed by myself and the Council, which will be followed with one from the Clergy and another from the House of Burgesses: the convention of the former is appointed the 6th of the next moneth, but that of ye latter is deferr'd, in hopes, before we come togither, I shal receive some Instructions from your Grace. I have appointed two of the Council William Byrd and Nathaniel Harrison Esqrs. Commissioners with John Allen and — Mayo gentlemen, Surveyors, their assistants; and shall enclose in a letter I shal write to the Governor of North Carolina, a copy of H.M. Order in Council, and request it of him, to appoint the like number, desiring they may meet sometime in March next, and then joyntly to proceed in running the dividing line between the two Governments," *etc.* *Of the three pirates lately condemned, two have been executed, and the third, John Vidal* (*v. No.* 690) *an Irishman and a Protestant, he has reprieved, with the advice of the Council, and hopes for H.M. approval, etc.* P.S. As I am sealing my letters, I have received an express that within these ten days past, ships and sloops to the number of seven have been taken by two privateers from the Havana, within 40 leagues of land. I have ordered a particular enquiry to be made of every circumstance relating to them which your Grace shall be sure to receive the next ship *etc.* *Signed*, William Gooch. *Endorsed*, R. Nov. 15th. *Holograph.* 2 *pp.* [*C.O.* 5, 1337. *No.* 37.]

Sept. 21.
Williamsburgh.

708. *Same* to the Council of Trade and Plantations. *Repeats preceding, adding:* "Your Lordships have likewise enclosed the march made by Col. Nath. Harrison after some Indians, who had committed some disorder upon our tributary Indians; by which I presume it will appear to your Lordships, that this Government will not be any more disturb'd by that Nation; if their word may be depended upon, which I'l not undertake to answer for" *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 16th Nov., Read 6th Dec., 1727. *Holograph.* 2 *pp.* *Enclosed*,

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708. i. Address of the Lieutenant Governor and Council of Virginia to the King. Nothing could comfort us (*for the loss of your Royal father*), but that your Majesty succeeds him *etc.* We promise ourselves the same protection both of our country and trade, wch. we were so happy as to enjoy during the late auspicious reign *etc.* None of your subjects will more distinguish themselves by their duty and allegiance to your Majesty and their zeal for your illustrious House, than the inhabitants of this ancient and loial Colony. *Signed by,* William Gooch and eleven members of the Council. *Endorsed,* Recd. 16th Nov., 1727. 1⅔ *pp.*

708. ii. An account of Nathaniel Harrison's proceedings when he went to meet the Cataubau Indians *etc.* The Government having been informed, that a great body of Catauba Indians had been on the Southern frontiers and committed several murthers on the Maherin Indians, and robberies on the English, that lived remote; and were many of them gone home with their booty; but that there remained at Christiana four or five of their Chief men, expecting a much greater number than they at first brought with them, directed me to take such force and measures as I thought most proper, to know their intentions and prevent any mischief they might design against the frontier inhabitants *etc.* I immediately ordered some of the most convenient troops to rendivouz at particular places, and myself proceeded on 30th Aug. to the three Creeks near Maherin River. *Journal follows: Abstract:*—The Sapponie Indians that live at Christiana, came to me, as I had ordered, and told me that the chief men of the Cataubaus, that stayed some time at their town (after they had sent home their first party of men) had been gone from thence, thirteen days, to Ronoak river, and that they had taken up their quarters in an island in that river near the ford, so that when their people came in, they might see and joyn them. In reply to questions, the Sapponies said that they did not know the design of these Western Indians coming in such great bodies into this country; they did not desire their company but were afraid to tell them so. As I desired to talk with the chief men of the Cataubaus, I sent two of the Saponies to warn them, from me as a friend, that a great body of Sinnica Indians were daily expected down Ronoak River to the Tuskaroroes, and might kill them in their way, and therefore my advice was that they should return to the fort at Christiana and wait there till the coming of the men they expected.

This message occasioned their immediate return to the fort, where, the Tuesday following (which was the day I had ordered the forces that were to attend me to be ready at certain places in that neighbourhood) I went; and because I would not frighten these people with the appearance of too many men at once, I took only five men with me, and fortunately met with those people I wanted to see, *etc.* In a dialogue with the chief man of the Cataubaus, whom they called King of the Sugers, he stated that he had not come to do any harm to the English, but to assist the Sapponies to take revenge on the Tuskaroroes, who had killed many of them last winter. He explained that they had killed the Maherin Indians because two white men had informed him that they and the Tuscaroroes were all one. They would not have done it, if they had known that the English would be angry. I reminded him that he must have known, because when his men were sent to my house to notify his coming to this place, I forbade them meddling with any tributary Indians, or disturbing any white people of this or Carolina Government, and bid them tell him that they were all the subjects of one great King *etc.* He offered to pay for the damage done by some of his unruly young men in robbing our people. I said that as they had been very rude in threatening some of our white men, presenting their guns to their breasts *etc.*, they must give up to us a number of their men equal to that of the Maherins they had murdered, and that I had almost a mind to seize them all *etc.* To prove his friendship, he offered me a present of 200 buck-skins, which I refused, saying that all we demanded was that everybody may go about his business without disturbance, and live at peace and quiet. I demanded the return of a Maherin boy they had taken prisoner and that one of their men should be given a severe whipping for his saucy behaviour there. He agreed to this, and promised to do nothing to annoy us hereafter. I told him I should have more to say to him anon, but would discharge him for the present after he had seen the troops I had with me. " He agreed to renew our conference in the morning, but I believe he was so overcome with fear at the sight of their great number that he and his retinue went all away in the night " *etc. Signed,* Nath. Harrison. *Endorsed as preceding.* 7 *pp.* [*C.O.* 5, 1321. *ff.* 1, 2, 2*v.*, 4*v.*–9*v.*]

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Sept. 22. **709.** Mr. Fane to the Council of Trade and Plantations. *Reports*, upon Act of New York *for the easier* partition of lands *etc.*, that the Surveyor's reasons against it (*v.* 4th Dec., 1726), are so strong that it is not fit to be confirmed. *Continues* :—What reason there was for constituting such an extraordinary method of proceeding in this case I can't imagin, when by writ of partition or by a private Act the same thing might be effected, and not lyable to the least objection ; But I apprehend it is very plain some private views are to be gratified, and this expedient was thought the most likely to pass unobserved *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 28th Sept., Read 5th Oct., 1727. 1½ *pp.* [*C.O.* 5, 1054. *ff.* 179, 179*v.*, 180*v.*]

Sept. 22. **710.** Mr. Fane to the Council of Trade and Plantations. Has no objection to eight acts of the Massachusetts Bay, 1726, referred 30th June. *Signed*, Fran. Fane. *Endorsed*, Recd. 28th Sept., 1727, Read 28th Nov., 1735. 1½ *pp.* [*C.O.* 5, 878. *ff.* 83, 83*v.*, 84*v.*]

Sept. 22. **711.** *Same* to *Same*. Has no objection to 14 Acts of S. Carolina, 1726, submitted to him 5th July. *Signed*, Fran. Fane. *Endorsed*, Recd. 28th Sept., 1727, Read 24th April, 1730. 2 *pp.* [*C.O.* 5, 361. *ff.* 93, 93*v.*, 94*v.*]

Sept. 23. Fort Frederick, in Placentia. **712.** Lt. Govr. Gledhill to the Duke of Newcastle. *Encloses* " an Address of this Colony, condoling the death of our late most Gracious Sovereign *etc.* and congratulating his present Majesty on his accession " *etc.* *Signed*, S. Gledhill. *Addressed.* 1 *p.* [*C.O.* 194, 24. *No.* 14.]

Sept. 23. Whitehall. **713.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report. *Signed*, Holles Newcastle. *Endorsed*, Recd. 23rd, Read 26th Sept., 1727. 1 *p.* *Enclosed*,

713. i. Capt. Massey to Mr. Pelham. *Copy of* 26th April *q.v.* [*C.O.* 5, 360. *ff.* 5, 6–8, 10*v.*]

Sept. 25. Portsmo., New Hamps. **714.** Lt. Governor Wentworth to the Council of Trade and Plantations. *Repeats gist of postscript to Aug. 7th.* *Continues* :—At night the whole town of Portsmouth was illuminated, such as never was before in this Province rich and poor, shew'd a dutifull respects to H.M. my Lords. For my better information shall observe in the Proclamation receiv'd that all affairs shall stand, both civill and millitary, also that relating to the Seals of Great Brittain shall be made use off as the respective Seals of the Successor : till the Successor shall issue out orders to the contrary. The Monday following all officers civill and millitary throughout this Province ; took the oath appointed by Act of Parliament to our Sovereign Lord King

George the Second our rightfull King and supream Lord of the Plantations to whom we will pay due obedience. I gave a Dedimus potestatum to the High Sherriff of our Province to pass through the respective towns to administer the oaths appointed by sd. Act to young or old from the age of sixteen, upwards; (vizt.) The oath of allegiance, supreamacy and abjuration my Lords. Our people in this H.M. Province of New Hampshire are a loyal pople and intirely for the Hannover succession; I have in everything endeavour'd strictly to comply with your Lordships commands, and always shall, so long as I have the honour to receive your commands as (Lieutenant Governour) *etc.* *Signed,* Jno. Wentworth. *Endorsed,* Recd. 13th Nov., 1727, Read 16th Feb. $172\frac{7}{8}$. *Holograph.* 2 *pp.* [*C.O.* 5, 870. *ff.* 47–48*v.*]

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Whitehall.
715. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed,*

715. i. *Same* to the King. Enclose draft of Instructions for Col. Montgomery Governor of New York *etc.* *Explain* some alterations from those of Governor Burnet. *Set out,* N.Y. Col. Docs. V. *pp.* 833, 834.

715. ii. Draft of Instructions for Governor Montgomerie.

715. iii. Draught of Instructions for same relating to Acts of Trade and Navigation. [*C.O.* 5, 1125. *pp.* 1–107; *and* (*rough draft of covering letter and enclosure* i) 5, 1079. *Nos.* 147, 147 i; *and* (*covering letter only*) 5, 1085. *No.* 63.]

Sept. 28.
Whitehall.
716. Mr. Popple to Mr. Fane. Encloses for his opinion in point of law 8 Acts of S. Carolina passed 1724–1725. List annexed. [*C.O.* 5, 400. *pp.* 228–230.]

Sept. 28.
Whitehall.
717. Mr. Fane to the Council of Trade and Plantations. Has no objection to the Act of New York *for amending the practice of the law etc.* *v.* 4th and 10th March. *Signed,* Fran. Fane. *Endorsed,* Recd. 28th Sept., Read 4th Oct., 1727. 1 *p.* [*C.O.* 5, 1054. *ff.* 177, 178*v.*]

Sept. 28.
Whitehall.
718. Council of Trade and Plantations to the King. *Enclose following.* *Continue:*—We have added the preamble to the 7th Instruction it having already been approved of by your Majesty for the Governor of Jamaica. We have alter'd Mr. Burnet's 16th Instruction in relation to the manner of choosing Assembly men in the Jerseys, and made Col. Montgomery's 13th conformable to the additional Instruction for this purpose approved of 23rd Jan., $172\frac{3}{4}$. The 20th Instruction is a copy of the Govr. of Jamaica's 20 which we thought necessary to insert here because Acts for creating a paper

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currency have been pass'd in this Province, that have taken effect before your Majesty's pleasure could be declared thereupon. We have inserted some words in Col. Montgomery's 24th Instruction whereby he is directed not to give his assent to any law for repealing any other Act pass'd in his Governmt. altho the same has not received your Majesty's Royal approbation, without leave for that purpose: This we think the more necessary because Acts for repealing others have sometimes been pass'd which have had their effect before your Majesty's pleasure could be known thereupon. The 38 and 39 Instructions in relation to the disposal of fines, forfeitures and escheats, we have substituted instead of Mr. Burnet's 39th, and have endeavoured to make them more explicit than the said 39th Instruction. We have added the 45th Instruction for preventing delays and undue proceedings in the Courts of Justice, your Majesty having already approved thereof in your Instruction to the Governor of Jamaica. We have omitted that part of Mr. Burnet's 50 Instruction which related to the tryal of accessaries in cases of piracy committed beyond sea it being now particularly provided for by the Act of Parliament pass'd in the 8th year of his late Majesty's reign. We have added the latter part of the 51 Instruction in relation to the suspending the execution of any sentence upon an appeal to your Majesty, in pursuance of an Order in Council, 5th July, 1726. We have inserted two Articles, Nos. 55 and 56, in relation to the Custom House Officers, already approved in your Majesty's Instruction's to the Governor of Jamaica. We have alter'd the 81 Article of Mr. Burnet's Instructions and made Colo. Montgomery's 68th conformable to an Order in Council, 3rd of May, upon a petition from the Bishop of London for restraining and punishing the several vices therein mentioned. We have added the 79th Instruction relating to the manner of granting Commissions in the Plantations to private ships of war, as also the 80th Instruction whereby Colo. Montgomery is directed not to grant commissions of marque or reprizal against any of your Majesty's allies, without your Majesty's especial command, both these being Instructions to most of your Majesty's Govrs. and in our humble opinion proper and to be given to them all. We have added the Instruction it being already an Instruction 82 to all the other Govts. in America and equally necessary in New Jersey. We have omitted Mr. Burnet's 69th Instruction it being provided for in the Instructions for trade; in which we have made no other alteration than to direct Colo. Montgomery to transmit the scheme therein order'd to be sent to the Commissrs. of your Majesty's Customs to the Lords of the Treasury and to this Board according to the tenour of the aforesaid 69th Instruction. We have made no other alteration except with respect to the ranging the several articles as near as may be

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in the manner your Majesty has already approved of in the Instructions to Major Genl. Hunter, Govr. of Jamaica. *Annexed,*

718. i. Draft of H.M. Instructions to John Montgomery, Governor of New Jersey with Memorandum of Instructions relating to Acts of Trade and Navigation. [*C.O.* 5, 996. *pp.* 169–249.]

Sept. 29. **719.** Petty expenses of the Board of Trade from Midsummer to Michaelmas. (*v. Journal.*) 6 *pp.* [*C.O.* 388, 79. *Nos.* 10–12.]

Sept. 29. Whitehall. **720.** Mr. Popple to Mr. Burchett. My Lords Commissioners having under consideration an Instruction usually given to the Governors of Virginia, in relation to the fees of the condemnation of a prize ship in the Admiralty Court, desire to know whether the Governors of H.M. Plantations in America do receive any Instructions from the Lords of the Admiralty. [*C.O.* 5, 1365. *p.* 366.]

Sept. 30. *Ludlow Castle,* in Placentia Bay. **721.** Commodore St. Lo to the Council of Trade and Plantations. Encloses following. *Signed,* Jon. St. Lo. *Endorsed,* Recd. 25th Dec., 1727, Read 2nd April, 1728. 1 *p.* *Enclosed,*

721. i. Reply to Heads of Enquiry relating to the Fishery and Trade on the South Coast of Newfoundland. (iii) Care has always been taken of the harbours, except that of Placentia, which by demolishing the old fort, the entrance of the harbour will soon be chokt up *etc.* (iv) Complaints are always made by the fishing Admirals and commanders of ships against the inhabitants for the waste and damage they generally commit in the winter season. At Trepassey the fishing ships at their arrival last spring found the stages and houses belonging to ships-rooms most of them pulled down and destroyed to their very great detriment *etc.* I endeavoured to find out the agressors, but as I believe they were all concern'd in this villainy, I order'd the Admirals to levy the full sum for making good in fish out of all the boats kept by the said inhabitants. I also met with the like complaints at Placentia, where there are no inhabitants but what belongs to the Lt. Govr. of that Fort, from whom some encouragement to the Fishery might have been expected, but, on the contrary, no sooner are the shipps sail'd, there is nothing but rapine and plunder committed, and all the houses and stages on the Grand Beach facing the Bay, pull'd down (except what the Lt. Governor makes use of or lets out him-

self) and is made use of for fewell, and the charge of rebuilding 'em every spring is upwards of £600 sterl. to our merchants at home. And if I may presume to say what service this fort may be to the Fishery, I can honestly assert is £20,000 sterl. loss annually to the publick revenue, besides the maintaining the same, and I can't but remark that at Placentia there is as natural an antipathy between a fisherman and a soldier as there is between a mastiff dogg and a bull. (v) No complaints. (vi) The inhabitants in Newfoundland do generally encroach on the ship-rooms, and have possessed many to the prejudice of the Fishery which I have caused to be restored. (ix, x) Rule observed. (xi) No complaints of defacing or altering the mark of any boat or trainfatts, unless at Placentia, where I observed that Christopher Chappell Commander of the *Bidna* of Biddeford rented a room of the Lt. Govr. and the Large Beach stones for marking out the boundaries of the same were remov'd by order of the said Lt. Govr., as he informed me. *Refers,* " in justice to the fatherless and widow " to the case of Thomas Salmon, whom Lt. Governor Gledhill forced to quit the plantation he rented in Placentia, finding that the public house he kept was prejudicial to his own suttling trade and practice *etc. Quotes correspondence with* Lt. Govr. *on that point etc.* (xii) Much unnecessary waste is made yearly with woods, which I have endeavoured to prevent as much as possible, and as I presume liberty has never been given for building of ships in Newfoundland, that practice ought to be forbidd and only the repairing of shipps, building of boats, houses and stages etc. should be allowed of, as the Act directs. (xiii) No hindrance has ever been given to the taking of bait. (xiv) The Admirals in the several harbours endeavour as much as possible to preserve peace and good Government among the fishermen, but at Placentia the Lt. Governor of the fort does eclipse and obstruct the power and authority of the Admiralls, and often takes upon him to confine the Commanders and others concern'd in the Fishery in the fort, and inflicts corporal punishment on the fishermen, so that affairs can't run in the proper channel till the arrival of the man of warr. The Admirals do keep accts. of the Fishery, and always transmitts the same to me. (xv) Before the arrival of the man of warr the Admls. sometimes determine differences that may arise but after my arrival I am tormented with complaints of the fishermen and inhabitants. I generally leave the decision to the Admirals. But when I find a person aggrieved, I then interpose, so that by this method all is made easy. In the fall when the fishing season is over, the inhabitants and by-boat keepers are for the most part for defrauding the poor fishermen of their wages, but I always took care to see them paid for their labour and if I had not been in the harbour at the makeing up these accts., many of them would go unpaid, to the great discouragement of the Fishery and the ruine of many poore families at home. (xvi) Every Sunday after my Chaplain has perform'd Divine service aboard in the morning, I sent him ashore in the afternoon to the inhabitants, and if the sutlers did not forbear to sell liquor on the Sabbath day, it was repugnant to my strict orders. But at Placentia the suttlers being the Officers of that fort, they will be under no comptroll, and such restriction would not only turn to their loss, but would be against the discipline constantly practiced there. (xvii) The French do steale over from Cape Britton into the Bay of Fortune to fish, and in the winter do furr there. (xix) The inhabitants employ themselves during the winter season in cutting of boards, makeing of oars repairing and building boats, and repairing houses, stages flakes etc., others hunt and catch seales, and are supplyed by the fishing shipp with bread and salt provisions, by which method they secure the value in fish the ensueing year. The inhabitants for the most part have cows, sheep, and hoggs, but I don't find any of the land improved otherwise than in meadows for the support of their stock. No provissions came this year from America into Trepassey, at Placentia there came in two sloops and two brigantines with provisions *etc.* (xx) The inhabitants are furnished with all materials for the Fishery and other necessarys from Great Britain. (xxi) The inhabitants gives a boat master £15 sterl., a midshipman £12, to a foreshipman, £10, they are paid in fish at the price struck in most parts of Newfoundland, but at Placentia, too often in rum and cloathes at extravagant rates. (xxii) Charge of fitting out a fishing boat with 3 men is £75 13*s.* 0*d.* (xxiii) To each fishing boat 3 men are generally allowed. The difference between the shore and Bank fish is generally 2 rylls. pr. quintall. The shore fish is preferable by reason the Bank fish remains so long in bulk before it can have the advantage of being wash'd out, and is broke and damaged before it comes to be spread, wch. is occasioned by tedious passages from the Banks to

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the land. (xxv) The French at Cape Britton prevents our having any correspondence with the Indians, and if any should attempt it, they put them to death. (xxvi) The houses, flakes and beach are markt out according to the best disposition for the conveniency of the Fishery. (xxvii) As already said, the inhabitants are very apt to encroach, and this is complained of in a particular manner by the fishing Admiralls at Placentia in their representation to me of 18th Aug., and there it is plainly made appear, that the Lt. Govr. of the fort at Placentia receives annually from the Commanders of the fishing ships £131 sterl. for the use of houses and beach which ought of right to belong to the fishing ships. (xxviii) The flakes always extend from the shore up into the land, and they possess no more front but what is usually allowed to a boat, about 144ft. *etc.* (xxix.) The ship rooms and those of the planters are generally recorded, so that it is always known when the ships are robb'd of their properties, and that is very commonly done. (xxx) The fishing ships are victualled in full before they proceed on their voyage to Newfoundland, but with fresh stock, rum, molasses and sugar, those that go to Placentia, the Lt. Govr. generally supplys them at an advanc'd price, for there is no other shopp but his to go to, but after my arrival I take care to prevent their being so abus'd and impos'd on, and then every man buys what he wants at the best hand out of the New England vessells at their first arrival, wch. liberty before was denyed them. (xxxi) No ship has ever been suffered by me to be Admiral but such as are clear'd out from Great Britain. (xxxii) No passengers in the fishing ships have ever taken up any rooms but what they have hired of the planters. (xxxiii) The by-boat keepers and others remaining in the countrey dureing the winter season, are never suffered to take up any fishing places, beach or ought else to the prejudice of the fishing shipps, but what has been already complained of at Placentia. (xxxiv) All the fishing ships belonging to Barnstable and Biddiford allow their men one quarter of the fish they catch, wch. is adjusted in shares, for example, a ship that carrys 30 men, there are just so many shares, which are distributed thus, the master has 2 shares, the mate 1¼, the boatsmaster 1, the midshipman ¾ and foreshipman ½, and perhaps some few of the seamen may come in for a quarter, and then all the remaining shares comes into the merchant or owners pockett, but it must be observed that those who are allowed shares their standing wages is in proportion. The charge of fitting out a ship of 100 tunns with 10 boats is about £850 sterl. (xxxv) The 19th July at Placentia I seized the *Mary* brigantine belonging to Waterford, Walter Drohan master, laden with salt, wine and brandy from France, and detected the master and crew of running French brandy into a cellar at Little Placentia, and sent my Lieut. in her to Boston to be condemned, but the Judge of the Admiralty Court acquitted her contrary to the Act of Charles II. At the same time I found the *Theneriffe* brigantine, William Woodrop master, loaden with 110 pipes of Canary wines consigned and delivered to Lt. Gov. Gledhill *etc.*, and this I presume may be also esteem'd prohibited by the said Act. Notwithstanding Mr. Auchmuty, H.M. Advocate General at Boston, asserts under his hand, that Canary wines are the reputed growth of the Azores, and as such, he says, are yearly imported to Boston without molestation. But as the Canary Islands and the Azores belongs to different Crowns and so farr distant from each other *etc.*, I cant conceive this assertion to be valid. (xxxvi) These wines have beeen paid away in truck (by the Lt. Govr. to the New England vessells) for rum, molasses *etc.* that came this year into Placentia, and some consum'd among the Fishery, and I now understand that this is not the first year of introducing Canary wines into that harbour, tho' it never before came to my knowledge, they being always landed before my arrival. (xxxvii, xxxviii) As the New England vessells bring rum, sugar, molasses and live stock to Newfoundland, there has this year been brought to the Southern coasts thereof to the value of £1,823 2*s.* 6*d.* sterl. besides the 110 pipes *above*, and all these cargoes the Lt. Govr. generally purchases himself, and then retailes at a considerable advance to the fishing shipps, tho' for ready payment, for these cargoes he gives refuge fish and very often bills of exchange, which have been for the most part protested, as the Masters have yearly made their complaints to me for redress, but as this was their own voluntary act, they had the law open against him. The prices this year were, rum, 2/6*d.* pr. gall., molasses, 1/6*d.* per gall., and sugar 35*s.* pr. cwt. (xxxix, xl) At Trepassey there are 4 public houses kept by the inhabitants. The Admiralls' representation of 18th Aug. takes notice of the number of sutlers that are at Placentia who are all furnished with liquors and provissions by the Lt. Govr. at very extravagant rates,

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vizt. fresh mutton and beef at 9*d.* sterl. per pound, Vidonia wine at 2/*s.* per bottle which contains only one pint and half, and rum at 6/*s.* per gallon, but in the winter 12/*s.* per gallon. They trust the fishermen and shipps' crews till the fishing season is over and by this means many of the poor fellows soon run out the full of their wages, which the Commanders of the shipps pays out of their own private ventures on which they at least advance 50 p.c., which secures the whole of the seamen's wages into the hands of the masters of the fishing shipps. (xli) Every man's passage out to Newfoundland is £3 sterl. and but 40*s.* home. The inhabitants discounts the same in fish. I have already said that the inhabitants and by boatkeepers do cheat the fishermen and when they come to make up accts. with 'em they have little to receive, nay, some are brought in debt, and by that means they are secured in the land for another years servitude. (xlii, xliii) This method of trusting the fishermen occasions many disorders and neglects to the great obstruction of the Fishery. (xliv, xlv) The New England vessells do entice men away and carry 'em to New England when they have opportunity. But this I have endeavoured all I could to prevent by obligeing the masters of the fishing shipps to give me an exact list of all their passengers and obligeing 'em to pay for their passages home, and I have seen them put aboard the vessells that carry home the trains. (xlvi) I have always given great caution to the Admiralls, the Commanders, and all others concerned in the Fishery that they should take very particular care in the well ordring and cureing their fish. But such complaints doth not arrise from what has been ship't in Newfoundland. I have made my observation that in New England and at Canseaux (in Nova Scotia) their common practice is to ship off their fish before it is duely cured to hasten to an early market, and as those parts are not included in the act of Parliament, they observe not that good regulation in theire Fishery's, for if the New England men can but get good bills of exchange for their fish they don't regard in what manner they put it off their hands. The fishery of Nova Scotia being under no rule, they have yearly sold to the French great quantities of fish at Cape Britton, and this year but one sack shipp comeing to loade at Canseaux, the French (I apprehend) have had the opportunity of runing away with most of the fish caught there *etc.* They are constantly supply'd from Boston with all sorts of commodities, this ought to be inspected into as it is a considerable loss to the publick revenue, and thereupon (two years ago when I was at Boston) I complain'd to Lt. Govr. Dummer of the New England vessells tradeing to Cape Britton, and I was answer'd that they always made use of such liberty, and were never debarr'd from it, however, I did my utmost endeavours to detect them. (xlvii) The chief of the French Fishery is by their Bankers in wett or mudd fish haveing every year at least 250 saile fishing on the Banks. At Cape Britton there is a boat fishery, but I know they never made any hand of it, their chief dependance being on their neighbours, from whom they compleat the trading of their sack shipps, generally about 20 saile, and but 5 or 6 shipps comes out on the fishing accot. The New England schooners that fish on the Banks when they have made a tare of fish, often dispose of it at Cape Britton, for which they are paid in ready money or wines, brandy, silks etc., and to prevent this growing evil nothing but makeing it felony, will *be effectual.* (xlviii) At Placentia there is no French but such as are servants to the Lt. Govr. for his use in the Fishery. (l) *Refers to* the Admirals' representation as to the disposal of fishrooms, and *encloses* copy of Lt. Governor Gledhill's conveyance of a plantation with stage, lately belonging to Monsr. Pierre Bortro to Capt. William Le Mesurier for £40. (li) The salmonry of George Skeffington will be taken notice of by Mr. Bouler as it lyes on the N. coast, *etc.* Lt. Governor Gledhill claims a salmonry at Placentia wch. he calls his royalty, and setts the same out at £20 pr. annum, besides another which he reserves to himself. (lii) It being highly necessary that some upright and carefull person should have authority and command over the inhabitants in the several harbours dureing the winter season, in order to keep up good order and to prevent unnecessary waste or damages *etc.*, I have therefore appointed the person so to preside and govern, who in the summer season had distinguisht himself most dilligent in the Fishery. I have never found that any person assumed such a power of himself, but Lt. Governor Gledhill has taken upon him to depute persons to act as Justices of the Peace, who have often exercised uncommon practices among the inhabitants of which I have received many complaints. *Signed,* John St. Lo. *Endorsed,* Recd. 25th Dec., 1727. 19 *pp.* [*C.O.* 194, 8. *ff.* 130, 131*v.*–141*v.*]

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Oct. 1.
Jamaica.

722. President Ayscough to the Duke of Newcastle. *Acknowledges* receipt on Sept. 28th of letter signifying the accession of King George II *etc.* *Continues* :—I immediately gave directions for preparing the proper ceremonies, and every thing having been prepared in the most solemn manner I, being assisted with H.M. Council and great numbers of the chief inhabitants, proceeded yesterday to sign the Proclamation and then to proclaim our most gracious Sovereign King George the Second, which was done with the greatest solemnity and joy imaginable under the triple discharge of the great Artillery, regular forces and Militia ; the like ceremony has been performed at the other usual places, and nothing but an universal satisfaction appeared upon this occasion at H.M. happy and peaceable accession to the Throne. The proclamation for continuing persons in office at the decease of the late King, has likewise been published with the accustomed solemnities, and I have taken proper measures with the advice of the Council for the further security of the Government. The Council have joyned with me in an humble address to congratulate H.M. happy accession to the Throne, and I intreat your Grace will be pleased to present it to H.M. as the earliest mark we at present can give of our duty and loyalty to his most sacred person and government. *Refers to former letters.* *Continues* :—We remain still in the same situation as to H.M. recommendations and must wait for H.M. further commands, for there is little hopes that an Assembly will ever comply with the terms of the late draught transmitted hither. Your Grace must be sensible what a difficult task I have had in supporting of this Government without either law or money ; H.M. two Independent Companies have been since February last without their usual country subsistence, and the company placed in this town, which used always to be under the command of the Governour or Commander in Chief for the time being, is now dwindled into a very small number : I represented this matter to the Secretary at War some time ago but I was answered that His late Majesty had been pleased to conferr the command of that company on Mr. Hunter from the day of the late Duke of Portland's death, so that it is not in my power to recruit it ; The Lieutenant has brought me several times muster-rolls to sign, but I cannot in justice to H.M. sign muster rolls for 100 men, which there ought to be, when in reality there is not at present 40 men in the said company, nor have they had cloathing for some considerable time past. I mention these things to your Grace with no other design than that, if any fault should be found, the blame may not be at my door. *Signed*, J. Ayscough. *Endorsed*, R. 14th Dec. (by ye *Happy* sloop). 2¾ *pp.* [*C.O.* 137, 52. *ff.* 343–344*v.*]

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Oct. 1.
Jamaica.

723. President Ayscough to the Council of Trade and Plantations. Duplicate of preceding. *Signed,* J. Ayscough. *Endorsed,* Recd. 18th, Read 19th Dec., 1727. 2¾ *pp.* [*C.O.* 137, 17. *ff.* 28–29*v.*]

Oct. 2.
St. James's.

724. H.M. Warrant to John Rollos, Engraver of H.M. Seals, for making new Seals for the Plantations *etc.* *v.* A. P. C. III. *No.* 123. *Countersigned,* Holles Newcastle. [*C.O.* 323, 8. *No.* 77; *and* 324, 36. *p.* 15.]

Oct. 3.
Whitehall.

725. Mr. Popple to Mr. Carkesse. My Lords Commissioners having under consideration the Instructions for the Governor of Virginia *etc.*, observe that certain articles relating to the duties on tobacco there, were given to Genl. Nicholson in 1698, and have been continued to all the succeeding Governors; in which there seems to be a power given to the Governor of appointing and dismissing Collectors and Naval Officers in Virginia, which their Lordships think may interfere with the power given to the Surveyor General. Their Lordships therefore desire the opinion of the Commissioners of H.M. Customs upon the said articles. *Annexed,*

725. i. Copies of Articles 126–129 in Governor Lord Orkney's Instructions. [*C.O.* 5, 1365. *pp.* 367–371.]

Oct. 4.
Whitehall.

726. Council of Trade and Plantations to the Duke of Newcastle. There having been an Instruction omitted in the draught we prepared for Major Genl. Hunter (*v.* June 8), wch. we think it necessary to be given to him, we enclose *following* to be laid before H.M. *Annexed,*

726. i. Additional Instruction for Governor Hunter. Whereas it is necessary we should be distinctly informed of the Trade of Our Island under your Government; you are to take especial care, that due entries be made in all the ports, of all goods and commodities their species and quantities imported or exported from thence with the names, burdens and guns of all ships importing and exporting the same, also the names of their Commanders, and likewise expressing from and to what places the sd. ships do come and go, a copy whereof the Naval Officers is to furnish you with: You shall therefore every three months or oftner or otherways as there shall be opportunity of conveyance transmit to Our High Treasurer or to the Commrs. of Our Treasury for the time being, and to Our Commrs. for Trade and Plantations copies of the said accounts as also of the invoice which every Master is to give you at his clearing of the contents and quantity of his lading etc., according to the specimen annex'd to your Instructions in relation to the Acts of Trade and Navigation. [*C.O.* 138, 17. *pp.* 237, 238.]

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Oct. 4.

727. B. de la Fontaine to the Council of Trade and Plantations. Replies on behalf of Mr. Missing who is ill at Portsmouth. It appears by his accompts, reported on by Comptrollers of the accompts of the Army, that Mr. Missing has supplied the garrisons of Placentia, Cansoe and Anapolis Royal according to contract and that there was a large quantity of provisions still remaining in store. Navigation to Annapolis being very dangerous and one provision ship having been lost, he ordered Mr. Borland of Boston to supply that garrison which he did with a great deal of satisfaction, till lately Col. Armstrong refused to be supplied by him, and wrote Mr. Missing he would victual that garrison himself, and draw on him for the value, and accordingly hath continually sent back the provisions sent him under the notion of their being bad, altho' wee have certificates under oath *etc.* that they were fitt for the Garrison's use *etc.* Mr. Borland has now been obliged to comply with his demands. Mr. Missing has great reason to complain of the disregard of his contract. Those officers have many times given him receipts for much less quantitys than hee has sent. As he has victualled Gibraltar for so long he would not willingly suffer any blame for so small a garrison *etc.* *Signed*, Benja. de la Fontaine. *Endorsed* Recd., Read 4th Oct., 1727. 1 *large p.* [*C.O.* 217, 5. *f.* 8.]

Oct. 5.
Custom ho., London.

728. Mr. Carkesse to Mr. Popple. *Reply to Oct. 3rd.* The Commissioners do not apprehend that the Collectors mentioned in the Instructions to the Governor of Virginia are the Collectors for the revenue under their management but of certain duties raised by acts of Assembly or the laws of the country in which they are not concern'd and that as the Governours are by the 7 and 8 W.3. to appoint Naval Officers who are to be approved of and to give security by this Board, they are of opinion the said Instructions do not interfere with the power given to the Surveyor Genl., *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Recd. 5th, Read 6th Oct., 1727. *Addressed.* 1½ *pp.* [*C.O.* 5, 1320. *ff.* 203, 203*v.*, 204*v.*]

Oct. 5.
Admty. Office.

729. Mr. Burchett to Mr. Popple. *Reply to* 29th Sept. There are no *such* orders given from this Office; but I have wrote to the Judge of the Admiralty to know whether there is any direction given from the Court of Admty. in Doctors Commons. *Signed*, J. Burchett. *Endorsed*, Recd., Read 6th Oct., 1727. *Addressed.* 1 *p.* [*C.O.* 323, 8. *No.* 78.]

Oct. 5.
Whitehall.

730. Council of Trade and Plantations to Lt. Governor Gooch. Enclose copy of report of H.M. Attorney and Solicitor General upon the dispute with the Proprietors of the Northern Neck (*v.* April 20, 1726), "which we desire you will order to be entred in the proper offices, that all parties concern'd may have notice thereof." [*C.O.* 5, 1365. *p.* 372.]

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731. Address of the Council and Assembly of Bermuda to the King. This little island is in a manner a key to all America *etc.* A little platt ware is our chief commodity which now fails, all our fortifications and publick buildings are almost in ruins occasioned by violent storms the last year, which renders our case very deplorable. *Pray for* a supply of powder, the little they had being damaged by the storms, and other necessaries for the fortifications *etc.* *Signed,* Jno. Trimingham. 1 *large p.* [*C.O.* 37, 26. *No.* 39.]

Oct. 5.
[date read.]

732. Edward Warner to William Nivine. My aunt, Anne Barnes, was the second wife of William Barnes and had no child of her own. I well know Mr. John Barnes, now in New England, was a son of said William decd., and have heard of another son at Bristol, a soapboiler, *etc.* (*v.* C. S. P. Aug. 11, 1724 and Nov. 12, 1727.) *Signed,* E. Warner. *Endorsed,* Recd., Read 5th Oct., 1727. 1¼ *pp.* [*C.O.* 152, 16. *ff.* 19, 19*v.*]

Oct. 5.
Whitehall.

733. Mr. Popple to Lt. Governor Armstrong. *Acknowledges* letter of 24th Nov., 1726. *Continues*:—My Lords Commissioners have discours'd with Mr. Missings' Agent in relation to that part of your letter, wherein you say, you have been obliged to victual the Garrison at Canço, thro' Mr. Borland's neglect; But as he produc'd a letter from Mr. Borland and another from you, by which it appears that the difference between you is settled, my Lords do not intend to lay this affair before the Treasury, as you desir'd; and hope there will be no further occasion of complaint. As I acquainted you in my last letter (1*st June*), my Lords did make a very full report upon the state of the Province under your Government. But his late Majesty's death having put a stop to that affaire for some time, I hope it, will not be long before you may receive H.M. directions upon that head. [*C.O.* 218, 2. *pp.* 72, 73.]

Oct. 6.
St. Christophers.

734. Wavell Smith, Secretary of the Leeward Islands, to the Council of Trade and Plantations. *Complains that,* in spite of the Board's report and H.M. orders relating to Governor Hart's attempts to infringe his Patent, the Governor insisted on ignoring a memorial against a bill for erecting a Register's Office, and was with difficulty prevailed upon to insert a clause suspending its being in force till H.M. pleasure be known *etc.* *Continues*:—"Else at one stroke (which was intended) above the fifth part of the value of my office in this island wou'd have been taken from me, and given to one Bland, a person unknown to almost every man here. This Act is intituled, An Act *against covenous and fraudulent conveyances, and for erecting a publick Registry etc.* All the business thereby given to an officer appointed by consent of

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the Governor, Council and Assembly was hitherto enjoyed by all my predecessors" *etc.* *Continues* :—This way of appointing officers, quam diu se bene gesserint by Governour Council and Assembly seems to me highly to concern H.M. Prerogative, and calculated to create such an independency of officers here of the King, that, if a stop be not in due time put to it, it will have very fatal effects one day in the Plantations, and if your Lordships will please to reflect on the time it was done, when Governour Hart knew he was recall'd, and my Lord Londonderry was intended for this Government, and join it to another action of his, done much at the same time, vizt., that of making Mr. Greathed Chief Justice, quam diu se bene gesserit (a man destitute of estate, learning and many other necessary qualities) your Lordships wont be at a loss to guess, for what sinister views, such unwarrantable and unprecedented proceedings were venturd upon *etc.* By an Act of this Island all offices are to be kept at Old Road, as being most convenient for the inhabitants, but this office is appointed to be kept at Basseterre, a town 6 miles distant from the seat of all other business. The intended Register, Mr. Bland, is allowed a higher scale of fees than the Secretary *etc.* This leads me to give an account how this Bland came to be appointed. There is one Mr. Spooner who was Solicitor General to the Leeward Islands, and presented a petition to the Duke of Newcastle in the name of Governor Hart in relation to my dispute with him, and then, when it was found to be detrimental to Governour Hart's interest to own it, declared at your Board that he had done it without his knowledge or consent *etc.*, so by this artifice, the final hearing of my affair was postponed above a year and a half *etc.* He is the same man who, before he came to England, in 1724, by the recommendation of Governor Hart here to the possessors of the French lands persuaded them to give him £1300 sterl. to lay out in England to procure them a good bargain, which by his friends he should be able to do, and they are now apprehensive they are duped of their money, tho' there is an action brought against him by Col. MacDowal for his share thereof *etc.* He it is too, my Lords, who has given as much obstruction to the execution of H.M. Commission, for the sale of the French lands, as his interest here, or the fertility of his genius cou'd set on foot, and to him (the chief Minister of Governour Hart) is ascribed the promoting and advising most of the unhappy things, that have been lately practiced at St. Christopher's. 'Twas necessary when he found his protector, Governour Hart, removed, to arm himself with as much power as he could to screen himself from the indignation and prosecutions of many, when the administration of Justice shou'd be lodged in the hands of an honest and impartial Judge, as 'tis now universally thought to be; for that purpose, he advised Mr. Hart to that extraordinary step of making Mr. Greathed Cheif Justice, quam diu se bene gesserit; for the same purpose he advis'd and drew the Act for a distinct publick Registry, and that Bland shou'd be appointed by it to hold that office, by the same tenure, vainly imagining H.M. Prerogative in granting offices was to yeild to his pernicious schemes; and for the more easily carrying on of this, the office was appointed to be kept at Basseterre, near his own house, in order (as 'tis supposed) more readily by means of his implement to resort to it, and rake into the rights and titles of people's estates, when they came in the custody of his creature: which cou'd not be done when lodged (as they yet are) in the Secretary's Office; this Bland, my Lords, is cousin to Spooner, who lately came here, where he did not continue above three or four months, and is now return'd to England, in hopes by Governour Hart's interest, to get the bill pass'd, before H.M. and your Lordships shou'd be advis'd of the injustice contain'd in it; and therefore it was timed to pass here when it was known I was on the sea, coming to the West Indies, *etc.* Had it not been for the Lt. General and Council of this Island, who opposed it, upon a memorial deliver'd by my brother, the Act had pass'd without the clause restraining its being in force, as it was originally fram'd and intended; and as my brother deliver'd your Lordships' report about my office, and H.M. commands thereupon, Governour Hart was pleas'd publickly to say, "How unlucky is it this order shou'd come to me at this juncture" *etc.* *Encloses affidavits to show the right of the Secretary's Office to the business designed to the Registrar etc. Continues*:—The preamble of the Act mentions the erecting a Register's Office in Antigua, which was artfully done to induce your Lordships to advise the passing this *etc.* That Act was passed in the infancy of that Government, after it had been conquer'd by the French, when there was no Secretary appointed by the Crown, and when amidst the confusions of those times, the rights and constitutions of the Secretary's Office were neglected; for all the papers thereof were carry'd away, burnt or destroy'd by the enemy; hence happen'd that separation of business from the Secretary's Office, which I have all the reason in the world to beleive will be restor'd to me, by the Legislature of Antigua, upon the death of an old man, who now possesses it, but in Montserrat, Nevis and St. Christophers, it is beyond contradiction from the records and papers kept by the Secretary, that all that business attempted to be given Mr. Bland has constantly been enjoy'd by the Secretary *etc., etc.* *Signed*, Wavll. Smith. *Endorsed*, Recd. 1st, Read 10th Jan., 172$\frac{7}{8}$. *Addressed.* 5 *large pp.* *Enclosed*,

734. i. Deposition of Jeremiah Browne, Chief Judge, that the following four depositions were duly sworn *etc.* 4th Oct. 1727. *Signed*, Jerem. Browne. *Endorsed*, Recd.

1st Jan. 172$\frac{7}{8}$. $\frac{3}{4}$ *p.* *Mem.* The Great Seal of the Leeward Islands was taken off these papers in order for binding, June 14, 1728.

734. ii. Deposition of Jeremiah Browne, 4th Oct., 1727. All patents and records have been hitherto entered in the Secretary's Office *etc.* The Act *against covenous conveyances etc.* would much injure that office *etc.* *Signed,* Jerem. Browne. $\frac{3}{4}$ *p.*

734. iii. Deposition of William Singleton, 3rd Oct. 1727. *Corroborates* preceding *etc.* *Signed,* Wm. Singleton. 1 *p.*

734. iv. Deposition of James Smith, Deputy Secretary of St. Kitts. *As preceding.* *Signed,* James Smith. $\frac{3}{4}$ *p.*

734. v. Deposition of James Losack. 3rd Oct., 1727. *As preceding.* *Signed,* James Losack. $\frac{3}{4}$ *p.*

734. vi. Deposition of James Losack Clerk in the Secretary's Office, St. Kitts. 3rd Oct., 1727. *States* fees allowed to the Secretary by Acts of 1716 and 1724. *Signed,* James Losack. 1 *p.*

734. vii. Deposition of John Balaguier. 6th Sept., 1727. Deponent rented the Secretary's Office from John Knight and Wavell Smith from 21st June, 1722 to 12th May, 1727. Fees for recording deeds of conveyances during that period amounted to £87 9*s.* *etc.* *Signed,* Jno. Balaguier. $\frac{3}{4}$ *p.*

734. viii. Extract of the Secretary's fees established by law. *Signed,* Jno. Balaguier, 14th June, 1727. $\frac{1}{2}$ *p.* [*C.O.* 152, 16. *ff.* 104–106, 107*v.*–108*v.*, 110, 112, 114, 116, 117, 118, 119, 119*v.*]

Oct. 9.
Admty. Office.

735. Mr. Burchett to Mr. Popple. Sir Henry Penrice has acquainted my Lords Commissioners that no such Instructions have issued from H.M. High Court of Admiralty *etc.* *v.* 29th Sept. and 5th Oct. *Signed,* J. Burchett. *Endorsed,* Recd. 10th Read 17th Oct., 1727. *Addressed.* 1 *p.* [*C.O.* 323, 8. *No.* 79.]

Oct. 9.
St. James's.

736. Order of King in Council. Ordering Additional Instruction to Governor Hunter relating to the making due entries of imports and exports at all ports *etc.* (*v. No.* 726 i.) *Signed,* Temple Stanyan. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1$\frac{1}{4}$ *pp.* [*C.O.* 137, 17. *ff.* 36, 36*v.*, 37*v.*]

Oct. 12.
St. Christophers.

737. Lt. General Mathew to the Council of Trade and Plantations. I received on 21st Sept. your Lordships' order of 26 June, *etc.* *Continues* :—Obedient thereto, I immediately summon'd the Council and all the principal inhabitants of this island to assemble the 23rd Sept. in H.M. fortress of Brimstone Hill. At the same time I hird a vessel and dispatcht per express, with orders for proclaiming H.M. with all speed in

Antego, Nevis, Montserat, Anguilla, Spanish Town and Tortola. Your Lordships order my returning a speedy accompt thereof. This is the first direct oportunity *etc.* In St. Christophers the 23rd Sept. I mett the Council and all the principal inhabitants early in the morning on Brimstone Hill, and there was a very numerous appearance of above 400 persons. I had also orderd the three Companys in this Island part of H.M. Regiment of Foot quartered in this Government to be there under arms. I laid before the Council the orders received from the Lords of H.M. Most Honourable Privy Council and from your Lordships, and the Proclamation, which I sign'd with them, and it was signed by near two hundred of the principal inhabitants there assembled. Whilst this employ'd us, the flaggs at all the Batterys and in Charles Fort and in Brimstone Hill were hoisted but half staff high, as they had been from sun rise, and from all the batterys Charles Fort and the Hill there were a hundred and forty minute gunns fird as a melancholy duty to our deceased Sovereign. At twelve of the clock the whole Assembly attended me to the center of the fortress, the flagg was hoisted to the top of the staff; as all the rest were, H.M. King George was proclaimed with all our heartyest acclamations, all the cannon in the island firing, the three companys of Foot firing volleys etc. I entertained at dinner in my house there and such as could be built there, as arbours, all that were there mett. The afternoon we were all well engagd in drinking health and prosperity to H.M., the Queen and all the Royal Family. At close of night we had a very great English bonfire on the Hill, and some fireworks, such as I could procure ingredients for in these parts *etc.* Immediately after proclaiming H.M., the proclamation was publickly read for continuing all officers in the manner therein mentiond, and an Humble Address of condolence to H.M. and congratulating his accession to the Throne was sign'd by myself, the Council and principal inhabitants. The Proclamation as signd by us all, I now remitt to Mr. Beak, Agent for this Island, to be presented to your Lordships. On the 26th Sept. H.M. was proclaimed both at Nevis and Montserat. In both these islands everything was perform'd in the most solemn manner, and everything was done to the utmost the inhabitants were capable of. At Nevis the Proclamation was signed as at St. Christophers, and I now transmitt it to Mr. Butler their Agent in London to be deliverd to your Lordships. They also addressed H.M. on his accession, which address I also send him to be presented. At Montserat the proclamation too was signd and an address to H.M. His Majesty was most solemnly proclaim'd at Antego the 30th Sept. in the town of St. Johns. The troop of Militia horse, the town Militia and five companys of the King's Regiment *etc.* being all under arms, the Council and Assembly being mett. All were entertaind at the publick expense, above two hundred

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pieces of cannon fird among the afternoon rejoicings, a great bonfire was prepar'd in the markett place, but the evening provd stormy, and twas feared might endanger the town, being mostly timber built. The night concluded the diversions. The proclamation was signd, and an address to H.M. His Majesty was proclaimed at Anguilla the 7th of October at the Valley Division in the most solemn, decent and cheerfull manner, the poor inhabitants there were capable of, and the proclamation signd. There being no Agent in London for Antego, Montserat or Anguilla, I send the proclamations signd in those islands to Mr. Meure, desiring him to attend your Lordships therewith. I have no accompt as yet from Tortola or Spanish town of H.M. having been as yet proclaimed. P.S. Oct. 31st I yesterday recd. an accompt from the Depty. Govr. of Tortola, that H.M. was proclaimed in that island with all solemnity and alacrity the seventh inst. Mr. Meure has that proclamation as sign'd by the inhabitants to present to your Lordshipps. *Signed*, William Mathew. *Endorsed*, Recd. Read 9th Jan., 172$\frac{7}{8}$. 5 *pp.* *Enclosed*,

737. i. Proclamation of H.M. King George II at Nevis. Sept. 26th, 1727. 66 *signatures. Endorsed as preceding. Recd. from Mr. Butler.* 1 *large folded p.*

737. ii. Proclamation of King George at Antigua. St. Johns, Sept. 30th, 1727. 103 *signatures. Same endorsement. Endorsed*, Recd. Read 9th Jan., 172$\frac{7}{8}$. Recd. from Mr. Beak. 1 *large folded p.*

737. iii. Proclamation of King George at St. Christophers. Brimstone Hill. 23rd Sept., 1727. 155 *signatures. Endorsed as preceding.* 1 *large folded p.*

737. iv. Proclamation of King George at Montserrat. 26th Sept., 1727. 66 *signatures. Same endorsement.* 1 *large folded p.*

737. v. Proclamation of King George at Anguilla, 7th Oct., 1727. 76 *signatures. Same endorsement.* 2 *pp.*

737. vi. Proclamation of King George at Tortola, 7th Oct., 1727. 63 *signatures. Same endorsement.* 1 *folded p.* [*C.O.* 152, 16. *ff.* 56, 57, 58, 59, 60, 61*v.*–68*v.*]

Oct. 12.
Whitehall.

738. Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint John Pitt Esqr. to be Lt. Governor of Bermuda *etc.*, draughts of his Commission and Instructions are to be prepared *etc. Signed*, H. Newcastle. *Endorsed*, Recd., Read 13th Oct., 1727. 1 *p.* [*C.O.* 37, 12. *ff.* 1, 6*v.*]

Oct. 12.

739. Five Lords Proprietors of Carolina to the Lords of H.M. Council in Committee. Reasons humbly offered by the five subscribing Lords Proprietors why H.M. should take the Goverment of S. Carolina absolutely into his own hands, and not send a further provisional Governor thither, intirely depending upon H.M. great justice and goodnes to secure to all the Lords Proprietors their right of soyl, and the levying the arrears of quit-rents, and the accruing rents. That the experience of a provisional Governor convinces the subscribing Proprietors that the many greivances and injuries complained of by the Proprietors, and the great difficulties and discouragements the Province labours under, will not be remedied by a provisional Governor. The scituation of the Province being now more discourageing to new setlers, the laws being more voluminous, more obstructive to commerce, than before any other provisional Governor was sent, that a provisional Governor naturally looks upon himself only to be sent for a short time, and the planters can with less expence make himself their friend than be just to the Lords Proprietors, and that is the method they have taken, and it is feared will continue to take. The great distractions in the Colony make it necessary to have some Governor to be sent as soon as may be, and the subscribing Proprietors hearing by report that Mr. Johnson sollicits to be sent Governor, with all due defference to your Lordships wisdom humbly conceive him not to be person so properly qualified (as they could wish) in the present critical circumstances. For if Mr. Johnson acted with that order and duty as he ought, when he was the Proprietors' Governor, he will necessarily behave with resentment towards those persons who deposed him, and if he was remis, and faulty of discharge of his duty the subscribing Proprietors are confident such a behaviour will not at the least recommend him to his Majesties Royal favour *etc.* Mr. Johnson was Governor of a Province in which the capital town was strongly fortify'd, had 70 peices of canon mounted, that there was also at a distance from the town a fort well manned and 18 guns mounted, that many of the principal inhabitants were Mr. Johnson's near relations, and yet there was not the least struggle made, not one gun fired, but the Goverment quietly given up into the hands of the people. That the subscribing Proprietors despair of having their rights and quitt rents taken care of by Mr. Johnson, who is himself a very great planter holding more than 19,000 acres of land in his own right, that many of his relations are likewise the most considerable planters in the Province, and all of them in arrear for quitt-rent for a great many years. And it is humbly presumed that Mr. Johnson is only acceptable to those merchants here, who have also very good plantations in South Carolina. That Mr. Johnson during his late administration without consulting his constituents passed an Act laying a great duty upon all British commodities imported into Carolina, which by a general complaint of all the British traders procured a very particular order from the King and Council to which the subscribing Proprietors beg leave to refer. That

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the mony in Mr. Johnson's Goverment was very much increased, (notwithstanding all the methods used by the Proprietors to prevent the same) and it is impertinent to observe to your Lordships what prejudice that has done to trade, and what numbers of poor people have suffered by it, your Lordships having [? *been*] addressed with so many complaints upon that head. That the subscribing Proprietors humbly hope that some regard will be shewen to a majority of a community, the Palatin being only the elected President of their Board, nor has he any more power than a casting voice upon an equality. That the subscribing Proprietors conceive Mr. Hutcheson's perchase to be subject to Sir John Tyrrell's act, who joined with the subscribing Proprietors in the petition to his late Majestie. That one of the subscribing Proprietors who is guardian to the Duke of Beaufort doth averr to your Lordshipps that he has a decree of Chancery to dispose of that Propriety, and he hopes he does his duty to that young nobleman when he acts for him as for himself. The Proprietors' motives for surrendring the sovereignty of South Carolina to the Crown were the peace and prosperity of the Colony, and the pleasure they shall always have to enlarge H.M. dominion and prerogative. 12th Oct., 1727. *Subscribed,*

The above is a true copy of the reasons which were this day read in the Privy Chamber (the Palatin being there present) and one of the purposes of them being to preserve equality amongst the Proprietors without confusion pursuant to our charter and usage, you are therefore hereby directed to enter the same in the book of the proceedings of our Board. To Richd. Shelton Esq., Our Secretary. *Signed,* Beaufort, Craven, Ja. Bertie, Hen. Bertie, J. Colleton. [*C.O.* 5, 290. *pp.* 182–184.]

Oct. 13. Whitehall. **740.** Mr. Popple to Mr. Fane. *Encloses* "the written volume of Antigua Acts," and *desires* his opinion in point of law upon the Act, 1719, *for better securing and confirming the title of George, nephew and heir to William Thomas decd., to certain lands and negroes purchased of John Barnes etc.* [*C.O.* 153, 14. *pp.* 271, 272.]

Oct. 16. Barbados. **741.** Governor Worsley to the Duke of Newcastle. Having received the 13th past by Capt. Robinson Commander of H.M. sloop *Weasell,* an order from H.M. most honourable Privy Council, *for proclaiming King George II etc. Continues:*—I summon'd the Members of H.M. Council and the principal planters and inhabitants to meet at Pilgrim the 15th past (it being impossible to have summon'd them the preceeding day on account of the badness of the roads which proceeded from the great rains that had fallen) where I had the honour of

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proclaiming H.M. King George the Second about ten of the clock, and then went in cavalcade to St. Michael's town where I likewise proclaimed his said Majesty with the usual solemnitys and entertained the Council, planters and the principal inhabitants of the Island, of whom there were a very numerous appearance; and the following day I order'd H.M. to be proclaimed in the other towns as was usual upon the like occasion. As no order is yet arrived to alter the form of the prayers for the Royal Family, and as by the Act of Uniformity it cannot be done without lawfull authority, the Clergy pray for King George, in the prayers that have regard to H.M., and in others for the Royal family, tho' in their prayer before the sermon (to which the Act of Uniformity does not extend), they pray for King George, Queen Caroline and the Royal family *etc.* *Encloses* Excise Act, "in which the Assembly have not made any provision for defraying the necessary charges of the Storekeeper, nor for the payment of H.M. Attorney General for his advice for the service of this Island, when he shall be thereunto required by the Governour; nor for the payment of any Agent or Agents in Great Britain" *etc.* *Encloses* Act *to exclude the Members of the General Assembly from certain offices civil and military,* and *for the better encouragement of the gentlemen to serve in the Militia,* which has passed the General Assembly, but I believe will not pass the Council, if it should, I am determined not to pass it, notwithstanding there is a clause therein that it shall not be in force 'til H.M. pleasure be known, for my passing a bill of such a nature, would be doing what I think inconsistent with my duty to H.M., in that I really believe 'twould be very prejudicial to H.M. Government here, and tho' by H.M. 21st Instruction to me, I am commanded not to give my assent to any bill of an unusual and extraordinary nature without a clause be therein incerted, suspending the execution thereof till H.M. pleasure be known concerning the same, yet I cannot think it can be from thence infer'd, I ought to give my assent to bills wherein such a clause is incerted, as some would here; and least I should be mistaken, I have sent your Grace a draft of the bill which I am of opinion is erroneous in many particulars, as well as in the very foundation of it; Your Grace will see they take care not to exclude the Treasurer, Comptroller, and Storekeeper, who are officers of their own nomination; The Keeper of the Stores of this Island, by a law passed the 15th of June, 1697 and confirmed the 9th of July, 1702, is nominated by the General Assembly, and with the consent of the Council, is recommended to the Governour, or Commander in Chief, for his confirmation, and he acts without any Commission from the Governour, as does the Treasurer, and Comptroler, who are annually elected in the Excise bill, and the Assembly pretend, by virtue of an order passed in the late Queen's reign, that the Governour and Council have no negative, tho' I cannot find in the Council books, a copy of any such order. *Encloses* Minutes of Council, 7th Aug.—15th Sept., and of the Assembly 5th, 15th, 19th Sept. and 5th Oct. By those of the 19th Sept. and 5th Oct. your Grace will see the Assembly take upon them not only to adjourne, but to adjourne from one place to another of themselves, what right they have I know not, there are indeed several instances of it, but if it should prove to have been only an indulgence of the Governours, whether they ought to enjoy it when they pretend to it as a right ? And in the Minutes of the 5th of October there is a motion made by Geo. McMahon Esqr. and seconded by the Honble. Thos. Maycock Esqr. that " Whereas pursuant to a law of this Island a considerable levy has for two years last past been raised for building a publick Court House and goal where the old magazine stands, and the time limitted for finishing the said work, is some time since past, and the work not yet begun, whereby the covents. of the undertaker or Mr. builder are broke and the work very much wanted for the publick service and ease of poor prisoners, he therefore moved that a Committee might be appointed to enquire into the reasons or causes of such neglect or delay *etc.*, that proper measures may be taken to enforce the agreement touching the said work " *etc.* and the said motion was granted. Tho' the Assembly are a branch of the Legislature, yet I do not see what power they have to enquire into the execution of laws. I don't in the least dispute the right they have to enquire into the distribution of the publick money, yet, if I mistake not, that ought to be done by a proper application to me, but in this case, they enquire into the performance of a contract betwixt the undertaker and several Commissioners appointed by a law to agree with him for the buildings, and according to the said law he gave security under the forfeiture of £1,500 to perform his contract in 18 months time, and received £1,200 sterling in hand and is to have no more, but in proportion as he finishes the work, as by the said law is more particularly exprest, which I had the honour to transmit to your Grace the 27th April, 1726. I am further to observe to your Grace from the Minutes of the Assembly of the 5th of Oct., a motion for the bringing in a bill to regulate the number and sallaries of the matrosses. The 28th Sept. 1715, an Act was past here for the reducing the number of the matrosses in time of peace only, but that has not yet had the Royal assent, and by this they design, as I am informed, to take off one third of the present number, and to reduce their sallaries from £25 current money per annum to £15, in which case nobody will be able to serve, and I am determined not to give my assent to it, tho' the Council should pass it, which I believe they will not. In the same Minutes they have also agreed to an Address to me to order the several officers to lay before them a list of the fees they take and demand, as also a copy of a report of the Judges and Attorney General to me, which I had ordered to be taken upon a complaint that was made to me against the late Deputy Provost Marshall. This I did in obedience to H.M. 54th Instruction to me, and as the said officer resigned his office upon this complaint (for I could do no more than suspend him) I put another in his room *etc.* (*v.* 15th Aug.), and therefore did not trouble your Grace with the report, and if anybody have been injured by him, they ought to prosecute have [*sic*] according to law. I have had the honour of sending your Grace lists of the fees of the several officers, of which a table is hung up in their offices, and are what they and their predecessors have taken and I am obliged by the aforesaid Instruction to countenance all Patent Officers in the enjoyment of their legal and accustomed fees and rights, and in case of any exactions I am orderd by my 28th Instruction to regulate them with the advice of the Council, so that I do not see what pretension the Assembly can have to enquire into it, especially to desire a copy of a report which I took for my own conduct in obedience to H.M. commands. I am further to observe to your Grace that the present Assembly say, that according to H.M. proclamation, which I published here for continuing persons being in office at the decease of the late King, they can't sit after the 11th of December next, and by the same reason they may say, there can be no Government here, and we must fall into anarchy. Upon the decease of the late Queen, no other proclamation, but one of the same tenour with what I have now received, was sent hither, and this Government continued upon the same foot it was on before for above nine months till Mr. Lowther's arrival here; 'tis true the proclamation for this Island, upon the death of King Charles II and upon the accession of King William to the Throne, expressed that the several officers of this Island should hold themselves continued in the said places till H.M. further pleasure *etc.* *Signed,* Henry Worsley. *Endorsed,* Rd. Dec. 29th. 12 *pp.* *Enclosed,*

741. i. Duplicate of *No.* 672 iii.

741. ii. Act *to exclude Members of Assembly from certain offices etc. Copy.* $3\frac{1}{8}$ *pp.* [*C.O.* 28, 44. *No.* 113 (*covering letter only*) *and* (*enclosure only*) 28, 39. *Nos.* 41; *and* (*enclosure* ii *only*) 48.]

Oct. 16.
Barbados.

742. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. With P.S. This goes by the *Mary* brigantine, for Bristol *etc.* *Signed,* Henry Worsley. *Enclosed,* Recd. 30th Dec. 1727, Read 29th March, 1728. 12 *pp.* *Enclosed,*

1727.

742. i–iii. Duplicate of *Nos.* 672 i–iii.

742. iv. Minutes of Assembly of Barbados, 5th Sept., 1727. 4½ *pp.*

742. v. Minutes of Assembly, 15th and 19th Sept. 3 *pp.*

742. vi. Minutes of Assembly, 5th Oct. 6½ *pp.*

742. vii. Treasurer's Accounts, Barbados, settled by Committee of Publick Accounts, for 8th Aug., 1725–1726. *Totals, Receipts* :—£19,046 11*s.* 8*d.* *Expenditure* :—£19,059 6*s.* 1¾*d.* Sworn to by, George Plaxton, Trear, 3rd June, 1727. 14 *large pp.*

742. viii. Treasurer's Accounts, Barbados, settled by Committee of Publick Accounts, 8th Aug. 1726—8th Feb. 1727. *Totals* ; *Receipts* : £3,746 9*s.* 5*d.* *Expenditure* :—£1,410 18*s.* 4*d.* Sworn to, George Plaxton, Trear. 20th June, 1727. 2 *large pp.* *Nos.* i–viii, *endorsed as covering letter.* [*C.O.* 28, 19. *ff.* 104–109*v.*, 110*v.*–113*v.*, 114*v.*, 115, 117–123, 124*v.*–127, 129–132, 133*v.*–140*v.*, 141*v.*–142*v.*]

Oct. 16.
H.M.S. *Argyle* in St. Johns Harbour.

743. Commodore Bouler's Answers to Heads of Enquiry relating to the Newfoundland Fishery for 1727. *To same effect as those for* 1725 (*v.* C. S. P. 10th Oct., 1725) with following variations :—Art. ix. It is my opinion that more fresh men and green men are carried over every year than the Act requires, for there are several ships go yearly to Ireland to take in passengers for Newfoundland, who as soon as they arrive hire themselves out at a low price to the fishing ships, inhabitants and by boat-keepers. (xiv) The Admirals in each harbour generally are careful, if they preside ashore to preserve good order, but they keep no journals nor return any as the Act directs. (xxiv) There was no justice administered in Newfoundland, except at Placentia, last winter. (xxx) Several persons stay behind at Trinity Bay, Bonavista, Carboneir, *etc.*, that employ themselves in furring during the winter, but few of the inhabitants employ themselves this way, nor is there any traffick with the Indians this last year they took furrs to the value of 880 pounds by the accot. they give themselves, but there is no ways of coming at a true acct. (xxvi) No complaints. (xxxv) None that could be discovered. But there is reason to suspect that wine and brandy are brought from France as well as salt. (xxxviii) Rum, molosses, wine *etc.* sold, this year is computed at £16,400, all paid in bills of exchange or fish, but in my opinion these accots. are very short of the real quantity. *Prices* rum, 2*s.* 6*d.* per gallon ; molosses, 1*s.* 4*d.* ; wine, £4 pr. hhd. ; bread, 14*s.* per cwt. ; beef, 30*s.*; pork, 48*s.* ; flour, 20*s.* per barrel ; sugar, 40*s.* per cwt. ; tobacco, 6*d.* per lb. (xlvi) *v.* C. S. P. Oct. 13, 1726. (li) No complaints this year. (lii) No persons administered justice at St. Johns this year. *Annexed,*

1727.

743. i. Scheme of Newfoundland Fishery for 1727. *Ships,* 150, including 19 from America : *burthen,* 11,800 tons ; men belonging thereto, 2,248 ; passengers, 1,963 ; boats, 796 ; by boatmen, 1,982 ; fish made and carried to foreign markets 168,380 quintals and 890 tierces of salmon ; train oil, 966 tons ; prices, fish 30 to 27 ryals per quintal ; salmon, £2 2*s.* per tierce ; train oil, £12 per ton. Stages and trainfats, 478 ; families, 409 ; estimate of land improved, 6 plantations ; inhabitants, 3,367 masters and servants ; remained in the country last winter, 2,782 ; births (since departure of last convoy) 69 ; burials, 32. *The whole, endorsed,* Recd. 4th March, Read 2nd April, 1728. 27 *pp.* [*C.O.* 194, 8. *ff.* 151–165, 166*v.*]

Oct. 17. St. James's. **744.** H.M. Commission for William Mathew to be Lt. General of the Leeward Islands. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 11, 12 ; *and* 324, 50. *pp.* 30, 31.]

Oct. 17. St. James's. **745.** H.M. Commission to *Same* to be Lt. Governor of St. Kitts. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 50. *pp.* 31, 32.]

Oct. 17. St. James's. **746.** H.M. Commission for William Gooch to be Lt. Govr. of Virginia. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 16, 17 ; *and* 324, 50. *pp.* 79, 80.]

Oct. 17. St. James's. **747.** H.M. Commission for John Wentworth to be Lt. Govr. of New Hampshire. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 19, 20 ; *and* 324, 50. *pp.* 51, 52.]

Oct. 17. St. James's. **748.** H.M. Commission for William Dummer to be Lt. Govr. of the Massachusetts Bay. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 20, 21 ; *and* 324, 50. *pp.* 52, 53.]

Oct. 17. St. James's. **749.** H.M. Commission for Lawrence Armstrong to be Lt. Gov. of Nova Scotia. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *p.* 22 ; *and* 324, 49. *ff.* 57, 58 ; *and* 324, 50. *pp.* 63, 64.]

Oct. 17. St. James's. **750.** H.M. Commission for Edward Byam to be Lt. Govr. of Antegoa. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *p.* 23 ; *and* 324, 50. *p.* 34.]

Oct. 17. St. James's. **751.** H.M. Commission for Paul George to be Lt. Govr. of Montserrat. *Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *p.* 24 ; *and* 324, 50. *p.* 34].

1727.
Oct. 17.
St. James's.

752. H.M. Commission to Major General Charles Sibourg to be Lt. Governor of Nevis. *Countersigned*, Holles Newcastle. *Copy*. [*C.O.* 324, 49. *ff.* 50, 51; *and* 324, 50. *p.* 33.]

Oct. 17.
Whitehall.

753. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed*,

753. i. *Same* to the King. Enclose following.

753. ii. Draught of Commission for John Pitt to be Lt. Governor of the Bermuda Islands, and revoking that of Lt. Gov. Hope. *In the usual form.* [*C.O.* 38, 8. *pp.* 45–66.]

Oct. 19.
St. James's.

754. Order of King in Council. Approving draft of Lt. Governor Pitt's Commission (17th Oct.) *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 37, 12. *ff.* 3, 4*v.*]

Oct. 19.
Whitehall.

755. Mr. Popple to Mr. Fane. *Encloses* Act of Antigua, 1724, *for constituting a Court to hold plea of foreign attachments, according to the custom of the City of London.* "My Lords Commissioners desire you will carefully consider the same, and let them have your opinion thereupon as soon as possible." [*C.O.* 153, 14. *pp.* 272, 273.]

Oct. 19.
St. James's.

756. Order of King in Council. Approving draughts of Instructions for Governor Montgomery. *Signed*, Temple Stanyan. *Endorsed*, Recd. 29th, Read 30th, April, 1728. 1½ *pp.* [*C.O.* 5, 1054. *ff.* 238, 238*v.*, 239*v.*]

Oct. 20.

757. Extracts from Governor Montgomery's Instructions, Sept. 22 and Oct. 20th, 1727. *Of later date.* 2¼ and 1¾ *pp.* [*C.O.* 5, 1085. *Nos.* 64, 65.]

Oct. 22.
St. Christophers.

758. John Willett to the Council of Trade and Plantations. *Abstract.* Has served as Councillor for 19 years, and other stations of trust, and been esteemed as a just and faithful servant both to his Prince and country. *Complains* that Lt. General Mathew has recently taken a displeasure against him, and addresses him at the Board with a severity of language tending to overawe and intimidate him. He was one of the Council who protested against the removal of Chief Justice Greatheed and Judge Edward Johnson and the appointment of Jeremiah Browne and James Gordon in their places by Lt. Gen. Mathew. *Describes* proceedings in Council and angry passages with the Lt. General arising out of these protests *etc.* Whatever cause the Governor had for removing Mr. Johnson, Mr. Gordon was a very improper person to put in his place. "It is prostituting the deputy of that place *etc.* to appoint a man who, not many years ago, was sent out here in the mean condition of an indented servant" *etc. Signed,* John Willett. *Endorsed,* Recd. (from Mr. Matthew etc. who appeared for Mr. Willett) 11th, Read 26th Jan., 172⅞. 6 *large pp. Enclosed,*

758. i. Minutes of Council of St. Kitts, 16th April, 1726. Upon reading a threatening letter sent by James Gordon to Edward Johnson, it was ordered that the former be put out of the Commission of the Peace and prosecuted for endeavouring to discountenance a Minister of Justice from doing his duty *etc. Copy.* 1½ *pp.*

758. ii. Minutes of Council of St. Kitts, 27th Sept., 1727. The reply of James Gordon to the reasons given by John Willett and Joseph Estridge against his appointment was brought to the Board. It was resolved that the paper be not read, but that the reasons offered by Willett and Estridge should be expunged from the Council books *etc. Copy.* 1½ *pp. Nos.* i and ii *endorsed,* Recd. 11th Jan., 172⅞.

758. iii. Copy of (3) reasons above-mentioned (*No.* ii), expunged from the Council book. *Endorsed as preceding. Copy.* ¾ *p.*

758. iv. Warrant for arrest of James Gordon. 13th July, 1726. *Signed,* John Greatheed. *Copy.* ½ *p.*

758. v. Copy of proceedings against James Gordon, *as ordered above* (*No.* i), Old Road, 25th July, 1726. Found guilty of writing but not sending or publishing above mentioned letter *etc. Endorsed as preceding. Copy.* 2 *pp.* [*C.O.* 152, 16. *ff.* 126–128*v.*, 129*v.*–131*v.*, 133*v.*, 134, 135*v.*, 136, 137–138*v.*]

Oct. 23. **Barbados.** **759.** Governor Worsley to the Duke of Newcastle. Having been advised by my Lord Carteret that your Grace had been pleased to represent me very favorably to H.M.; I could not loose the first oppertunity of making my most humble acknowledgements to your Grace for the honor of your protection *etc.* I have taken the liberty of writing to H.M. to assure H.M. that I am always ready to return to lay myself at H.M. feet, whenever H.M. shall thinke it proper, but as your Grace has had the great goodness to espouse my interest, I presume to lay before you the great loss it would be to me to be recalled before I could dispose of my effects here, which amount to a considerable value, and I am further to submit to your Grace's consideration, whether at this present juncture, when I am opposing the Assembly to support H.M. prerogative, it would be improper, that my Commission should be renewed, tho' my successor should be soon afterwards appointed, it would be of the greatest satisfaction to me to be able to leave this

1727.

Government with honor after having to the best of my ability's endeavour'd to do my duty to H.M. *etc.* *Signed,* Henry Worsley. *Endorsed,* R. 31 Dec. *Holograph.* 3 *pp.* [*C.O.* 28, 44. *No.* 114.]

Oct. 24. Whitehall. **760.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses* letter and enclosures from Governor Worsley relating to proceedings of the Assembly, more especially with regard to the choice of a Speaker *etc.* *Requests* their report thereon as soon as conveniently may be, that there may be no time lost in sending proper Instructions to the Governor upon the several heads of complaint. *Signed,* Holles Newcastle. *Endorsed,* Recd. 24th, Read 25th Oct., 1727. 1¼ *pp.* *Enclosed,*

760. i. Governor Worsley's letter, 4th Aug. *Endorsed as preceding. Copy.*

760. ii. Governor Worsley's Speech, Aug. 4, encl. i. *Endorsed,* Recd. 24th Oct. 1727. *Copy.*

760. iii. Address of Assembly to Governor Worsley, *No.* 672. ii. *Endorsed,* Recd. 24th, Read 25th Oct., 1727. *Copy.*

760. iv. Estimate of public accounts, 1723. Aug. 4. First letter enc. i. *Endorsed,* Recd. 24th Oct., 1727. *Copy.* [*C.O.* 28, 19. *ff.* 29, 29*v.*, 30*v.*–35*v.*, 36*v.*–40*v.*, 41*v.*–42*v.*]

Oct. 25. Whitehall. **761.** Council of Trade and Plantations to the Duke of Newcastle. *In reply to preceding, enclose* Governor Worsley's letter of 15th Aug. "by which you will perceive that the substance of the dispute is already at an end: However, as the Assembly have parted with their pretention with some reluctancy and reserve, we do beleive, it will be for H.M. service, that the Govr. should have proper instructions, for his conduct upon this subject; and when H.M. shall send us orders for renewing Mr. Worsley's Instructions, we shall take care that an Instruction be inserted for this purpose." *Autograph signatures.* 1¾ *pp.* *Enclosed,*

761. i. Extract from Governor Worsley's letter, 15th Aug., 1727. 2¼ *pp.*

761. ii. Copy of *No.* 672 iii. 3¼ *pp.* [*C.O.* 28, 39. *Nos.* 40, 40 i, ii; *and* (*without enclosures*) 29, 14. *p.* 429.]

Oct. 26. New York **762.** Governor Burnet to the Duke of Newcastle. *Abstract.* The ship carrying his letters of Aug. 24—26th met with a storm at sea, and was obliged to put back to refit. *Has published* Proclamations for continuing officers *etc.* *Recommends* address from the Governor, Council and Assembly to H.M. The French have attempted nothing more against the fort at Oswego. "The Assembly seem very hearty to support it, as the best thing that ever was done to secure the Indians in our interest, and to check the encroachments of the French " etc. *Refers to enclosures. Endorsed,* Rd. 19th Dec. $1\frac{2}{3}$ *pp. Enclosed,*

762. i. Duplicate of *No.* 763.

762. ii. Governor Burnet's Speech to the Assembly of New York, Sept. 30. *Printed. Tail piece.* 2 *pp.*

762. iii. Journal of Assembly of New York, 30th Sept.—23rd Oct., 1727. *Printed.* 16 *pp.* [*C.O.* 5, 1092. *Nos.* 57, 57 i–iii ; *and (with duplicate of letter of Aug.* 24*th, but without enclosures, and endorsed,* Rd. Jan. 9th) 5, 1085. *No.* 66.]

Oct. 26. New York. **763.** Governor Burnet to the Council of Trade and Plantations. *Repeats part of preceding. Has lately received* letter 26th June and 4th July with orders to proclaim H.M. *etc.* Had already issued proclamations for officers to take oaths and continuing their offices *etc.*, and issued writs for a new Assembly, which had met &c. *Intends* to go to New Jersey to hold an Assembly there *etc.* P.S. The French have hitherto attempted nothing further against the Fort at Oswego, but all remains quiet hitherto. *Set out,* N.Y. Col. Docs. V. *pp.* 841, 842. *Signed,* W. Burnet. *Endorsed,* Recd., Read 20th Dec., 1727. 3 *pp. Enclosed,*

763. i, ii. Duplicates of Encl. ii, iii, preceding. *Same endorsement.*

763. iii. Address of the Governor, Council and Assembly of New York to the King. Your Majesty's most dutyfull and loyal subjects, from this remote part of your Dominions, beg leave to approach the Throne, with hearts deeply affected with the loss of your late Royal Father, of ever glorious memory, but filled with joy and comfort upon your most Excellt. Majty's. happy accession. The blessings we now enjoy under your Majesty, naturally lead us to look back to that signal revolution, under our great Deliverer King William III, who began his reign with abolishing Popery and Slavery among us, and closed it with preventing their being ever again imposed and entail'd upon us, by establishing the Protestant succession, for the perpetual security of our laws, liberty's and religion. We have observed with delight and admiration, that as soon as that happy settlement took place in his late Majesty, the glory of the British Nation receiv'd a new lustre from his shining virtues ; his just and mild Government endear'd him to his subjects, and his wise and steady conduct effectually placed the ballance of Europe in his hands, and what above all demands our unbounded gratitude to his memory, the peace, safety, strength and happiness,

in which he left his Kingdoms, prepared the way for those universall acclamations, with which your Majesty's accession has been so joyfully celebrated. Your Majesty's early zeal and undaunted courage in defence of the libertys of Europe and the reformed interest, your long experience, and entire knowledge of the British Constitution, join'd with all the inherent virtues that can adorn a Prince, give us sure presages of the glory's that will attend your auspicious reign: And that we might have nothing left to wish, but the continuance of our happyness; we see the Throne graced with a Royal Consort, who by disdaining a temporal Crown when set in competition with a heavenly one, has the justest title to both *etc.* *Express* loyalty. *Signed by* the Governor, Council (12) and Assembly (24). *Endorsed*, Recd., Read 20th Dec., 1727. *Copy.* 2 *pp.*

763. iv. Address of the Justices of the Supreme Court, Attorney General, High Sheriff, Grand Jurors and practitioners of the Law, of New York to the King. Oct. 17, 1727. Similar expressions of loyalty. 40 signatures. *Same endorsement. Copy.* 2 *pp.*

763. v. Address of the Mayor, Recorder, Aldermen and Assistants of the City and Corporation of New York. Similar expressions of loyalty. *Signed*, Robt. Lurting, Mayor; Fra. Harison, Recorder; John Cruger, Harmanus Waugelder, Philip Cortlandt, Fred Philipse, Gr. Stuyvesant, Antho. Rutgers, Aldermen; Will. Roome, And. Maerschalk, Oliver Teller, John Roosevelts, Phillip Minthorne, Obad. Huntt, Assistants; Will. Sharpas, Town Clerk. *Same endorsement. Copy.* 3 *pp.* [*C.O.* 5, 1054. *ff.* 205–207*v.*, 208*v.*–216*v.*, 217*v.*–219*v.*, 221*v.*–222*v.*, 223*v.*–225*v.*]

Oct. 26. New York. **764.** Governor Burnet to Mr. Popple. Encloses a packet sent by the ship which was driven back to port *etc.* (*supra*). *Will send duplicates etc. Signed*, W. Burnet. *Endorsed*, Recd., Read 20th Dec., 1727. $\frac{2}{3}$ *p.* [*C.O.* 5, 1054. *ff.* 226, 227*v.*]

Oct. 26. Barbados. **765.** Governor Worsley to the Duke of Newcastle. *Corrects* his statement, Oct. 16th, that a proclamation for continuing officers *etc.* was not sent after the demise of Queen Anne. *Signed*, Henry Worsley. *Endorsed*, Rd. Jan. 9th, 172$\frac{7}{8}$. 1 *p.* [*C.O.* 28, 44. *No.* 115.]

Oct. 26. Barbados. **766.** *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, Henry Worsley. *Endorsed*, Recd. 2nd Jan., Read 29th March, 1728. 1 *p.* [*C.O.* 28, 19. *ff.* 143, 144*v.*]

1727.
Oct. 26.
Barbados.

767. Order of Committee of Privy Council. Whereas H.M. was pleased to referr unto this Committee the humble memorial of Robert Byng Esq., setting forth his being appointed Receiver General of the rights and perquisites of the Admiralty, and that he hath received a body of Instructions under H.M. royal sign manual for his guidance in the execution of the said Office, by the tenth article of which H.M. hath thought fitt to repeale the 33rd 54th or any other Article of the Instructions to the Governors and Vice-Admirals in the Colonies and Plantations abroad, directing them to have the care of pyrates effects untill they shall receive H.M. pleasure concerning the disposal thereof. That the said Articles of the Governors Instructions being so repealed, and the care of pyrates effects, which are deemed to be perquisites of Admiralty, being transferred to the Memorialist, he humbly prays, in order to a due and regular receipt of this part of H.M. casual Revenue, that the respective Governors of H.M. Colonies and Plantations abroad may be made acquainted with his royal pleasure; and their Instructions regulated accordingly. The Lords of the Committee order that the Council of Trade and Plantations take care, upon the renewing of all the Governors' Instructions to make the same conformable to the tenth Article of Mr. Byng's Instructions. And in regard the Governors of Jamaica, New York and New Jersey have already received their Instructions, that a draught of Additional Instructions be prepared for them *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 7th Nov., 1727. 2 *pp.* *Enclosed*,

767. i. Copy of the tenth Article of the Instructions of Robert Byng, referred to in preceding, with pencil notes for converting it into an Instruction to Governors. 3 pp. [*C.O.* 323, 8. *Nos.* 80, 80 i.]

Oct. 26.
Boston.

768. Lt. Governor Dummer to [? *the Duke of Newcastle*]. *Encloses following*, to explain why he must dismiss Capt. Woodside. *Continues*:—It was very unhapy that hee had by overreaching some of the Indians in trading with them rendred himselfe so obnoxious to them, and this Governmt. that it's not thought consistent with the publick safety to continue him in that station *etc.* *Signed*, Wm. Dummer. *Endorsed*, Rd. 5th Jan., 172$\frac{7}{8}$. 1 *p.* *Enclosed*,

768. i. Minutes of Council and Assembly of the Massachusetts Bay, Aug. 23, 24, 1727. A joint Committee was appointed to confer upon addressing H.E. for the removal of the Commanding Officer at Saco Fort *etc.* *Signed*, J. Willard, Secry. 1 *p.*

768. ii. Vote of the Council and Assembly, desiring H.E. to remove said C.O. 29th Aug., 1727. 1 *p.* [*C.O.* 5, 898. *Nos.* 41, 41 i, ii.]

1727.
Oct. 31.
Westminster.

769. Copy of Privy Seal directing payment of salaries to the Commissioners and Officers of the Board of Trade (*v. Journal*). *Countersigned*, John Wooddeson, Depty. $5\frac{1}{4}$ *pp.* [*C.O.* 388, 79. *No.* 13.]

Oct. 31.
Boston.

770. Mr. Willard to Mr. Popple. On the 20th instant I received your letter dated the 26th of June last, in wch. you are pleased to acquaint me that the Excise Act for the last year was not sent with the other Acts pass'd at the Session held in May 1726, and likewise to give me the Lords Commissionrs. directions for transmitting the said Act by the first oppertunity: in obedience to their commands I have now sent the same enclosed to you. I hope their Lordships will excuse my mistake, it being (I belcive) the first publick paper I have omitted since my concern in this business. By Cpt. Hammerden (who sail'd above a fortnight since) I sent you copys of the Minutes of Assembly for the Sessions held in May and August last with the Acts then pass'd, Minutes of Council for six months ending with August last and the Treasrs. Accompts for the last year wch. I hope will come safe to your hands; The Master's receipt of the said pacquet is herewith. *Signed*, Josiah Willard. *Endorsed*, Recd. 28th Dec., 1727, Read Jan. 29, $172\frac{7}{8}$. 1 *p.* *Enclosed*,

770. i. Treasurer's accounts of the public revenue of the Massachusetts Bay, 26th May, 1726—31st May, 1727. *Endorsed*, Recd. 3rd Jan., $172\frac{7}{8}$. 27 *pp.* [*C.O.* 5, 870. *ff.* 23, 24*v.*–38, 40*v.*]

Nov. 1.
St. Christophers.

771. Lt. General Mathew to the Council of Trade and Plantations. I transmitt by this oportunity to Mr. Butler, Agent for Nevis, to be presented to your Lordships, an Act dated at Nevis the 7th July last, *for raising a poll tax on negroes etc.*, which requires no observation of my own upon it *etc.*; *also*, Minutes of Assembly 1st June—2nd Oct., and an accot. of the yearly ascertained expence of that island and revenue *etc.* (*v.* enclosures). *Continues*:—There is but one clergyman in the whole island. I send your Lordships his yearly accot. of burials and christenings *etc.* The Churchwardens of the other parishes can give me no information. *Refers to enclosed accounts of forts and stores. Continues*:—I pray on this article your Lordships will take in good part an observation I presume to offer on the 80th Instruction. The words "And whereas we have thought fitt to give particular directions for applying the duty of $4\frac{1}{2}$ pr. ct. in our Carribbee Islands towards the repairing and erecting fortifications" *etc.* I would humbly propose be alter'd *etc.* It has allways furnisd a pretext to those that are unwilling to sett a publick good at parallel with their private advantages, for opposing any motion for fortifying these Islands, or furnishing the magasines, and has often supported that opposition. *Refers to other enclosures*, including Minutes of Council and of one day's meeting of Assembly of Montserrat since Col. Hart's departure. *Continues*:—I shall hereafter be able to accompt to your Lordshipps, when I have been at that island, why these meetings are so rare, and why the Courts of Sessions have been adjourn'd from year to year, without doing any buisness, to keep people under recognizances and in terrorem. Of this sort I have nothing to send but copy of an Inquisition on a murder committed there the other day by one of the Govournors servants, fledd from Justice. *Refers to further enclosures. Continues*:—I have not received as I expected the several accompts relating to Antego and the ship sails this evening *etc.* Your Lordships can but observe many wanting even from among *those sent.* I assure your Lordships I cannot help it. I sent orders to the respective officers to have them returnd to me ever since 18th Sept. last. I know not how to force them to do their dutys. And even these many of them are not fairly abstracted as directed *etc.* I hope the scheme I have mentioned already, and which I can compleat when I get to Antego will please your Lordships better than this farrago of papers, and I humbly offer to your Lordships, whether the proceedings in our Courts of Justice, which are very voluminous, may not be excused for hereafter. This is what I find hardest to be got, from their bulk. Your Ldps. best know what use they can be, or ever were of, in England. Colonel Hart left me here somewhat under his displeasure, and his friends think it their duty to him to be angry with me too, and to throw obstacles in my way, even against the publick good. I seek nothing else, I ask nothing for myself. They are clamorous enough here, if it reach your Lordships' ears, I pray I may be heard too *etc.* This is only in the island of St. Christophers. *Signed*, William Mathew. *Endorsed*, Recd. Read 9th Jan., 172⅞. 6 *pp. Enclosed*,

771. i. Annual public charges of Nevis:—Gunner and 10 matrosses, £250, Clerk of Assembly, £40, Country waiter, £20. Rent of Court hall, Assembly room and Council Chamber, £25, of Secretary's office, £25, = £360. *Signed and endorsed as preceding.* 1 *p.*

771. ii. Account of Revenue (487 6*s.* 8*d.*) and expenditure (517 17*s.*) of Nevis, June 1st—Oct. 10th, 1727. *Signed and sworn*, Edwd. Bridgwater, Treasurer. *Same endorsement.* 3 *pp.*

771. iii. Accounts of charges upon account of the fort, prison, stocks *etc.*, Nevis. 3⅛ *pp.*

771. iv. Account of 3d. tonnage on vessels. 1 *p.*

771. v. Account of arrears received. ½ *p.*

771. vi. Account of levy raised June 1st—10th Oct., 1727. 1 *p.*

771. vii. Account of levies, 1725 (£102 13*s.* 9¾*d.*). 1 *p.*

1727.

771. viii. Account of (8) licences (at £1 11*s.* 3*d.*). 1 *p.*

771. ix. Account of liquor duties, June 1st—10th Oct., 1727. £62 5*s.* 10*d.* ¾ *p.* *Nos.* iii–ix. *Signed,* Edwd. Bridgwater.

771. x. Account of negroes imported since 25th March, 1727. 12 at an average price of £27 3*s.* 6*d.* this money. 23 re-exported. *Endorsed,* Recd. (from Mr. Butler), Read 9th Jan., 172⅞. ½ *p.*

771. xi. Christenings (8) and Burials (12 male, 1 female) in the parish of St. Paul, Nevis, Michaelmas 1726—1727. *Signed,* Robert Robertson, Minister. *Endorsed as preceding.* 1 *p.*

771. xii. Account of H.M. forts and platforms in Nevis and stores of war in Charles Fort, 3rd Oct., 1727. *Signed,* John Richardson, W. Hopkins. *Same endorsement.* 1 *large folded p.*

771. xiii. Inquisition and depositions relating to the murder of William Saul by Isaac John Potier. Plymouth, Mountseratt, 27th Sept., 1727. *Endorsed,* Recd. (from Mr. Beek), Read 9th Jan., 172⅞. 4½ *pp.*

771. xiv. Account of export duty on sugar, molasses and rum, St. Christophers, 1st June—29th Sept., 1727. *Signed and sworn to by,* Drewry Ottley, Treasurer. *Endorsed as preceding.* 5¼ *pp.*

771. xv. Account of expenditure, St. Christophers, 1st June—20th Sept., 1727. £988 13*s.* 6*d.* *Signed and endorsed as preceding.* ½ *p.*

771. xvi. Account of negroes imported, St. Christophers, 25th March—25th Sept., 1727. *Total,* 381 in 4 ships. *Signed and endorsed as preceding.* ½ *p.* [*C.O.* 152, 16. *ff.* 69, 70, 71, 72, 73, 74, 74*v.*, 76, 77*v.*–79, 80, 81, 82–83, 84, 85, 86, 87, 88, 89–94, 95*v.*–98, 99–100, 101*v.*, 102, 103*v.*]

Nov. 2.
St. James's.

772. Order of King in Council. Approving Representation of 31st Oct., and ordering an Instruction to Governor Hunter not to assent to a duty upon negroes landed in Jamaica for refreshment only *etc.* *Set out,* A. P. C. III. *p.* 160 *q.v.* *Signed,* Temple Stanyan. *Endorsed,* Recd. 2nd, Read 6th Nov., 1727. 3 *pp.* [*C.O.* 137, 17. *ff.* 23–24*v.*]

Nov. 4.
Whitehall.

773. Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint William Burnett Esq. Governor of the Provinces of the Massachusets Bay and New Hampshire, in the room of Samuel Shute Esq., draughts of his Commissions and Instructions are to be prepared *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. 6th, Read 7th Nov., 1727. ¾ *p.* [*C.O.* 5, 870. *ff.* 9, 10*v.*]

1727.
Nov. 6.
Boston.

774. Lt. Governor Dummer to the Council of Trade and Plantations. About a fortnight since I received your ltr. of the 26th of June sign'd by your Secretary Mr. Popple, *etc.* The Agent for this Province having for some time past been under an ill state of health and oblig'd to go into the country for the benefit of the air and some relaxation from business is doubtless the occation that your Ldships was not seasonably acquainted with the substance of the Address mentiond. I shall give orders to the Secretary according to your Lordships directions to transmit directly to you all the publick papers relating to the affaires of this Province. I have lately wrote to your Lordships of the 15th of August and the 9th Sept. past etc. : the first contain'd the accounts of the final ratification of the peace, the latter of my pursueing the directions of your Lordships in 2 letters viz. 26th of June and 11th of July. Since my last ltr. some Indians of Cape Sables who have lately removed into the midest of Cape Britton *etc.* and other Indians of Cape Sables, have lately committed divers barbarous acts of hostility upon an English vessell at Newfoundland and some other fishermen that were at anchor at Cape Sables, upon wch. I am now taking measure to get the Penobscot and other Indians who are parties to the late Peace to endeavour to finde out the guilty and bring them to justice, and otherwise to put in execution the last additional Article of the late Treaty with them, of all which proceedings I shall give your Ldships a full account as well as of all other publick affaires worth your notice. *Signed,* Wm. Dummer. *Endorsed,* Recd. 28th Dec., 1727, Read 24th May, 1728. *Holograph.* 1½ *pp.* [*C.O.* 5, 870. *ff.* 101, 101*v.*, 102*v.*]

Nov. 7.

775. Robert Johnson to the Duke of Newcastle. I haveing accidentally procur'd a coppy of a paper put in by five of ye Lords Props. of Carolina to the Rt. Honble. the Lords of H.M. Privy Council very much reflecting on me : I did petition their Lordsps. to be heard to vindicate myself from their unjust calumnys, but understanding that cannot be granted *etc.*, *encloses following. Signed,* Robt. Johnson. 1¾ *pp. Enclosed,*

775. i. Answer of Robert Johnson to as many of the reasons as relate to him offerd by the five subscribing Lords and Proprietors against his being appointed Governor of S. Carolina. 5 *pp.* [*C.O.* 5, 387. *Nos.* 78, 78 i.]

Nov. 7.
Whitehall.

776. Council of Trade and Plantations to the King. Submit following. *Annexed,*

776. i. Draft of Additional Instruction to Governor Hunter as to duty on negroes, in accordance with Order of 2nd Nov. [*C.O.* 138, 17. *pp.* 238–240.]

1727.
Nov. 8.
Whitehall.

777. Council of Trade and Plantations to the Committee of the Privy Council. Enclose Additional Instruction relating to pirates' effects *etc.* (*v.* 26th Oct.) for Governors Hunter and Montgomery *etc.* We shall insert directions to the like effect in all future Instructions to Governors *etc.* [*C.O.* 324, 11. *p.* 52.]

Nov. 12.

778. Mr. Fane to the Council of Trade and Plantations. Report upon Act of Antigua *for the better securing the title of George Thomas, nephew and heir of William Thomas etc.* The Act recites that William Barnes the elder, 1695, devised the residue of his real and personal estate to his son John Barnes for life with remainder to the heirs of his body in tail and for want of such issue with the like remainder to his second son William Barnes, with remainder to his third son Thomas Barnes in fee. Therefore the design and intention of the Act is to vest an estate in fee in the said William Barnes against all persons claiming by descent devise or otherwise under or from William Barnes the elder *etc.* I apprehend it is a question not yet judicially determind, whether a fine and recovery levied and suffered here of lands in the Plantations will have any operation or effect there, and as no method of that sort was ever put in practice or established in any of the Colonies abroad, the Legislature very wisely and politickly considering the inconveniences that might arise from the want of it in a trading country, instituted a method of cutting off entails by private Acts of Assembly to supply the want of it, and wch. method has been long used and entirely approved off; and I take it that your Lordships in approving acts of this sort are only to consider whether the person who applies to the Legislature for such an Act has such an interest vested in him as he would be permitted in point of law, supposing his estate was here to do the same act by fine and recovery. If that is so, I apprehend then that John Barnes, the son of William Barnes the elder who has contracted for the sale of this Plantation, has an estate tail vested in him by the will of his father and consequently might by fine and recovery barr all the subsequent remainders, as he has done by this act. The late Lord Chancellor West when this act was under consideration was unwilling to advise your Lordshipps to pass it, unless there was the consent had of Thomas Barnes, the younger brother to whom a remainder in fee after the determination of ye estate tail is limitted. For my part I can't see the necessity of such a consent, for if such an estate in law is vested in John Barnes as would enable him to levy a fine and suffer a recovery here, any objection that might be made to the passing of it on the part of the remainder man, would not be at all regarded, and consequently should not in this case, which is entirely a resemblance of it. *Signed*, Fran. Fane. *Endorsed*, Recd. 13th, Read 15th Nov., 1727. 3 *pp.* [*C.O.* 152, 16. *ff.* 44–45*v.*]

1727.
Nov. 12.

779. *Same* to *Same.* Has no objection to the Act of Antigua, 1724, *for constituting a Court to hold plea of foreign attachments according to the customs of the City of London,* "it not being in my opinion in the least detrimental or injurious to the Brittish trade." *Signed,* Fran. Fane. *Endorsed,* Recd 13th, Read 17th Nov., 1727. 1 *p.* [*C.O.* 152, 16. *ff.* 46, 47*v.*]

Nov. 13.
London.

780. Richard Harris to Mr. Popple. By the Instruction ordered for Governor Hunter (*v.* 2nd Nov.) the Separate Traders are not relieved from the burden of the duty upon negroes imported into Jamaica, as the South Sea Company are, though for the three last years they have paid more for their import duty than most of them have got by their voyages *etc.* *Signed,* Rd. Harris. *Endorsed,* Recd. 14th Nov., Read 6th Dec., 1727. 4 *pp.* [*C.O.* 137, 17. *ff.* 25–26*v.*, 27*v.*]

Nov. 13.
St. James's.

781. Order of King in Council. Approving additional Instruction to Governor Hunter, relating to duties upon negroes (*v.* 2nd Nov.). *Signed,* Edward Southwell. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 137, 17. *ff.* 38, 38*v.*, 39*v.*]

Nov. 13.
St. James's.

782. H.M. Additional Instruction to Governor Hunter. *As preceding.* *Signed,* G. R. [*C.O.* 324, 36. *pp.* 18, 19.]

Nov. 14.
Whitehall.

783. Duke of Newcastle to the Council of Trade and Plantations. You are to prepare an Instruction for Lt. Gov. Pitt relating to his appointments agreable to that which was prepared for Mr. Hope *etc.* (6th Sept., 1721). *Signed,* Holles Newcastle. *Endorsed,* Recd. 15th, Read 17th Nov., 1727. 1 *p.* [*C.O.* 37, 12. *ff.* 2, 5*v.*]

Nov. 14.
Whitehall.

784. Mr. Popple to Mr. Attorney and Mr. Solicitor General. *Encloses* petition of Clergy of the Massachusets Bay. *Continues* :—Three of the Acts in question have long since received the Royal assent, vizt. (i) *for the settlement and support of Ministers and Schoolmasters,* (ii) *for explaining and altering clauses* in an Act of 1692, and (iii) *in addition to the Act for the settlement of Ministers etc.* Their Lordships desire your opinion, whether these Acts are repugnant to the Charter, and if they are so, whether it be now in the King's power to repeal them *etc.* [*C.O.* 5, 916. *pp.* 13, 14.]

Nov. 15.
Middle
Temple.

785. Mr. Newman to the Duke of Newcastle. Has received two Addresses from the Government and Clergy of New Hampshire to present to the King *etc.* *Signed,* Henry Newman. 1 *p.* [*C.O.* 5, 10. *No.* 10.]

1727.
Nov. 15.
Ludlow Castle, in Lisbon River.

786. Commodore St. Lo to the Council of Trade and Plantations. *Encloses following* as "matters touching the fishery in the most essential part" *etc. Continues*:—Thomas Salmon, fisherman and planter, has been more industrious in the Fishery than any man in Newfoundland, for since he has been forct from Placentia by Lt. Govr. Gledhill he has killed 3,200 quintalls of fish and has saved of traine and seale oyle 83½ tons, besides the building up of houses, flakes, stages etc. for the improvement of the fishery of Little Martier, where he has been but three years. *Recommends* his petition (encl. i) to be allotted a plantation at Placentia, "wch. if your Lordsps. shall think fitt to do, and that fishery carried on without molestation, above 30 families would croud to that harbour where there is always good fishing and extraordinary voyages made, and I am confident, in that harbour, and in the Bay and Islands belonging thereto (wch. I have this year settled and improved) above 100,000 quintalls of fish might be yearly made there, wch. this year only comes out to 44,900, so that I have been vastly short by saying that the fort at Placentia is but £20,000 loss annually to the Revenue (*v.* 30th Sept.). *Signed*, Jon. St. Lo. *Endorsed*, Recd. 18th Dec., 1727, Read 2nd April, 1728. 1 *p. Enclosed*,

786. i. Thomas Salmon to Commodore St. Lo. Sept. 30, 1727. Describes his work at Little Martier and prays him to represent his case to the Council of Trade *etc. cf. preceding. Signed*, Tho. Salmon. 1 *p.*

786. ii. Petition of Tho. Salmon to Commodore St. Lo. (i) Petitioner was armourer in the Tower six years, and to the Garrison of Placentia 9, and then discharged. (ii) Then, having a numerous family, he kept fishing boats here as a planter, and a house of entertainment. (iii) In Oct. 1723 he was forced from his house by Lt. Govr. Gledhill, by soldiers, and kept prisoner 12 hours. (iv) Petitioner, the end of the season 1723, went for England. In Dec. the Lt. Gov. ordered a file of soldiers to bring petitioner's wife, then bigg with child, into the garrison, beat her, and kicked her out of the garrison. (v) In Jan. following he ordered soldiers to bring petitioner's daughter, not 14 years old, into the garrison, and from thence was drum'd through the town. This caused petitioner's wife to be taken in labour before her time. She sent for Mrs. Clark, the only person here for undertaking that affair, but Lt. Govr. would not allow Mrs. Clark to assist her. (vi) Petitioner's wife and daughter some time after were forced from his house by soldiers and kept prisoners in the garrison, and much beaten by Lt. Govr. Gledhill's spouse. (vii) His servants have often been forced by soldiers into the garrison

and kept prisoners, to the great prejudice of his fishery. (viii) Can produce evidence of above. *Prays* for restitution and licence to keep a house of entertainment.

Lt. Govr. Gledhill to Capt. St. Lo. *Replies to preceding.* (i) He was broken for insolence. (ii) Kept fishing boats under colour for another. (iii) I had him prisoner, once for stealing and once for passing false money. (iv) A libel. (v) Mrs. Clark was my hired servant and in consideration of what company that infamous woman kept, I forbad her *etc.* (vi) A libel. (vii) Committed for thievery or drunkenness. (viii) The proof may be Irish evidence. As it is a family being Popish Recusants convict by law uncapable of keeping a public house, and much more, a disorderly one, nay for greater crimes I've called in their licence *etc.*

Remarks by Capt. St. Lo on above, in favour of Thomas Salmon. "After he became a fisherman and planter, he was not under the jurisdiction of the Lt. Govr., and his presuming to confine a fisherman is a great prejudice and obstruction to the Fishery, and if any do amiss the Admiralls (in my absence) are to rectifie and settle all matters in dispute. As to his being charged with theft, the poor man desired to be heard, and was examined at a publick Court, which I called on that accot., and the Lt. Governor being there, he could not make good that accusation. He did pass false money, but then it was such as the Lt. Govr. coined himself and gave orders for the same to pass current in that place" *etc.*

Certificate by Fishing Admirals *etc.* Placentia Harbour, 6th Aug. 1724 (*cf.* C. S. P. Oct. 3, 1725), to Commodore St. Lo. Thomas Salmon is a sober and honest man *etc.* He encourages trade here very much, and would more, if was not hindred *etc.* He is well affected to H.M. King George *etc.* *Signed*, Wm. Hall, Admiral and 12 others. *The whole endorsed*, Recd. 18th Dec., 1727. 7 *pp.* [*C.O.* 194, 8. *ff.* 142, 143*v.*–147*v.*]

Nov. 15. **787.** Petition of Major General Hunter to the King. Enclosed report shows that petitioner is owed £20,769 6*s.* 1*d.* for subsisting the Palatines in New York, according to his Instructions as Governor, 26th Jan., 1710, no part of which has been paid for want of provision in Parliament. *Prays for* relief. *Signed*, Ro. Hunter. 1 *p.* *Enclosed*,

787. i. Edward Harley, Auditor, to the Lords Commissioners of the Treasury, 31st March, 1724. In obedience to

their Lordships order of Sept. 22, 1721, has examined General Hunter's payments and receipts and reports as above. *Signed*, E. Harley. *Copy.* 8¼ *pp.* [*C.O.* 5, 1085. *Nos.* 67, 67 i.]

Nov. 15. Whitehall. **788.** Council of Trade and Plantations to the Duke of Newcastle. *Refer to* representations of Nov. 10, 1726 and 20th Jan. last on want of stores for the Bahama Islands and enclose extract of letter from Governor Phenney 20th April, and affidavit as to plundering by a Spanish periagua. *Conclude:*—In our humble opinion no time ought to be lost in an affair of so great consequence to the Plantation trade, especially now when it is reported that the Spaniards lay claim to the Bahama Islands. *Autograph signatures.* 2 *pp.* *Enclosed,*

788. i. Extract from Governor Phenney's letter, 20th April, 1727. 1¼ *pp.*

788. ii–iv. Copies of encl. i, ii, iv, April 20. [*C.O.* 23, 12. *Nos.* 91, 91 i–iv; *and* (*without enclosures*) 24, 1. *pp.* 95, 96.]

Nov. 17. Annapolis Royal. **789.** Lt. Governor Armstrong to the Duke of Newcastle. I send your Grace a duplicate of my last and now proceed to give you an accot. of all the most material occurrences since that time, which I should have done sooner, but an unforeseen accident of which I shall acquaint your Grace in the sequel prevented me. Being in want of a quorum of the Council for H.M. immediate service, I conven'd all that remain'd of the old Members and acquainted them with my intention of compleating their number to seven according to H.M. Instructions and as there was not one inhabitant qualified or worthy of that honour in this place that I was under an absolute necessity of admitting the military officers, tho' I was under some difficulty because these gentlemen would not sitt below them (their rank in the Army being much superior) yet that I had thought of an expedient till H.M. pleasure therein should be known, wch. I desired they would agree to viz. that they should sitt on my right hand and the Captns. on my left *etc.* (*v. Minutes of Council,* encl. i). Two of the Members Mr. Adams and Dr. Skene, consented, but Mr. Shirref, the Commissary of the Musters protested against sitting at all but in his place till first determin'd by H.M., however on my promise of paying him £25 sterl. a year out of my own pocket for acting as Secry. he seem'd easy, and thereupon we began to do business, but he soon after growing discontented absolutely refused to act any longer in that station and withdrew, which obliged me to employ a Lieut. of the Garrison who acts now in that office. But before all this happen'd, I laid before the Board the reports of two of the Officers whom I had sent to Mines and Chicanectou *etc.* (*v.* April 30th), with the inhabitants' answers. The Council was of opinion that both their answers but especially that of Checanectou was full of insolence and contempt. However being resolved to act with as little precipitation as possible, I moved that the Secretary should write them a civil letter to invite the principal men amongst them hither in order to reason with them on their undutifull behaviour and to convince them if possible of the folly and danger of persisting in their disobedience with so much obstinacy, but this had no other effect than to make their contempt of the Government more manifest, and I'm sorry to tell your Grace that this proceeds very much from the bare suggestions of one or two traders who have left no stone unturn'd to render my actions black and designs abortive to the great prejudice of H.M. service and interest here. None of the inhabitants appearing here on the aforesaid letter, I thought it was high time to do something to raise the authority of the Government which was sunk so low and become contemptible by their having escaped hitherto with impunity notwithstanding their having committed so many vilanys and robberys as would be endless to relate. I therefore desired the opinion and advice of the Council what means I should use to bring them to a sense of their duty, they agreed that the most effectual would be to restrain the traders from going up the Bay to buy their wheat, which in a short time must bring them very low, because their whole trade and riches consists in grain and this was what the late Lt. Govr. Doucett did intend and was pursuing when I arrived in the province, and as appears by the Records, induced thereto by a representation made him by one of the foresaid traders *etc.* (*v.* encl. ii). *Continues*:—The author from some years trade and conversation pretends to draw them in their proper colours, but whether their character in that paper agrees with his present sentiments I cannot tell, but this I know that after I had issued out an order (*v. encl.* iii), by and with the advice of the Council, to prohibit the aforesd. trade both he and one Blin a Boston trader had the insolence to go thither with their sloops, which is such a wound to H.M. royal authority vested in the Governor and Council that nothing but an exemplary punishment can ever repair. I therefore humbly beg that your Grace will honour me with H.M. Instructions on that head with directions how to behave myself in that point for the future, for if H.M. British subjects are suffer'd to treat his Council with such indignity and contempt what can we expect from the French here who are most implacable enemies to both our nation and religion and what in my humble oppinion makes the aforesd. traders more inexcusable is, that after upon their solicitations to go up the bay, the necessity the garrison was like to be under for want of bread and the French of this Rivers representation of their inability either to supply themselves or us with the same (*v. encl.* iv), after I say I was prevailed on for these reasons to lay this matter again before the Council only on their giving in bond of about £300 ster. as in Govr. Philipps' time to bring their wheat into this port before they should carry the same out of the province, they rejected my kindness with scorn, tho' to encourage them they were assured that I should desire but 30 hhds. of wheat from each of them which was hardly sufficient for the supply of H.M. troops here and at Canso who were reduced to the last extremity by the delay of the storeship but nothing could move them from their obstinate resolution to return to Boston rather than pursue their voyage on any terms and to aggravate their offence absolutely refused to carry the Governmts. packets tho' on H.M. service. I have been since advised that they have rais'd a great clamour against me which by their money inventions and other practices they have made as specious as possible. But I have that confidence in H.M. justice, your Grace's candour and my own innocence, that I cannot fear their malice and am more concern'd, least I have trespassed on your Grace's patience *etc.* *Continues*:—Another vessel coming in to the measures proposed which the others rejected had leave to go, by and with the consent of the Board and this opportunity I embraced to send to the Indians of those parts some circular letters to dissipate some fears and jealousys created by some reports in all probability forged by the French and to invite them hither to receive some tokens of our friendship and to renew with them a good understanding. I must now beg your Grace's leave to open a new scene of matters that happen'd, upon the death of his late Majesty of blessed memory, after I had proclaim'd his present Majesty *etc.* both in town and garrison with the usual solemnity. I tender'd to both officers and soldiers the oaths appointed by law which they took very cheerfully, and having summon'd the Council, it was agreed to tender them likewise to the French inhabitants of this river who had taken them to the late King, but because some malicious people had insinuated that the oath taken by them to his late Majesty was conceived in such rigid terms that it was unjust to exact it of Roman Catholicks who on the other hand would unanimously concur to take the oath of Allegiance, it was therefore thought meet to tender the same to them translated into French as follows vizt. Je promets et jure sincerement que je serai fidele et obeirai veritablement a sa Majeste le Roy George le second. Ainsi, Dieu me soit en aide. The Deputys desir'd me to sett a day to assemble the inhabitants at the Fort and to give them an order for that purpose, which I order'd to be drawn, and the same being read and examin'd in Council was approved of and ordered to be forwarded to the Deputys Bourg, Landry and Bourgeois, but they instead of complying therewith assembled the people two days successively up the River; where instead of perswading them to their duty by solid arguments of which they were not incapable, they frighten'd and terrified them by representing the oath so strong and binding that neither they nor their children should ever shake off the yoak; so that by their example and insinuations the whole body of the people almost to a man refused them but upon certain conditions sett forth in a paper the Deputys presented me with (*v. encl.* i), which being read in Council, was judged so very insolent and undeserv'd at their hands that it was order'd that Landry and Bourgeois should be sent to prison and laid in irons as ringleaders where they continued some days but were at last admitted to bail, till H.M. pleasure therein should be known, which I earnestly beg your Grace will please to send me with directions how to proceed as well in regard to them as the other inhabitants whom the Council has thought fitt to debarr from fishing pursuant to his late Majesty's instructions, art. 13, and from navigating otherwise than according to law. Pursuant to the Orders of H.M. Privy Council and the directions of the Lords Commrs. of Trade and Plantations, to proclaim H.M. in all the proper parts of the Government, I have charterd a vessel for that voyage for £100 sterl., and have putt on board a commission'd Officer with a command of soldiers who after a long and uncomfortable voyage is now return'd. I cannot say but the gentleman has acted very well as far as the proclaiming of H.M., but in tendring the oaths he has fallen into very great errors by making some unwarrantable concessions which I have refused to ratify, but the Council has thought meet to transmitt home a copy (*No.* vi) of his whole proceedings for your Grace's perusal that his Majesty may see the presumption and unparallel'd impudence of those people. I have within these few days recd. advice by an express sent me by the Lt. Governor of New England of some murthers and other hostilitys committed on H.M. subjects by some Indians within 15 leagues of Canso, and by a letter from Monsr. St. Ovide, of their having seiz'd a sloop and cargo at Port le Basque in Newfoundland (*v. encl.*). I have order'd Capt. Bennett who has the honour to bear this packett to your Grace to call in if possible at Cape Breton and demand restitution, for notwithstanding the French Govr's. apology I am convinced that the French are at the bottom concern'd in order to disturb and discourage our fishery *etc.* The places of most of the Councellors appointed by Govr. Philips according to the Vth Art. of his Instructions are become void, many of the members being gone and settled in other provinces so that there is not above three upon the spot to attend the Board and as there is not one inhabitant here fit to supply their room, I am humbly of opinion that H.M. further Instructions are absolutely necessary towards forming a Council, what I have done being only in the interim till such directions shall arrive. The Military Officers, who are the only subjects H.M. has here who are any ways qualified for that service will think it hard to be subjected to others, since H.M. has not three faithful subjects in the place besides themselves and the troops they command, *etc.* *Signed*, L. Armstrong. *Endorsed*, Rd. Jan. 23rd. 12 *pp.* *Enclosed*,

789. i. Minutes of Council of Nova Scotia, 13th May—13th Nov., 1727. 44 *pp.*

789. ii. Memorial by William Winnet to Lt. Governor Doucett. By some years trade and conversation in Nova Scotia, he hath had opportunity to know the manners and practices of the inhabitants and Indians, especially at Mines, Shecanectou and places thereunto adjacent up the bay. It's very well known that they have slighted and vilifyed H.M. Government by acting in oposition to all such orders as have been sent them. They have at all times entertained and harboured the enemy Indians, and as Mines and these other places (chiefly the Grand Pré) are their places of rendevous, it may be added that some or all of these inhabitants have encouraged them so frequently to rapine and murder, they being the purchasers of their spoils. Memorialist was taken by the Indians and notoriously robbed by both them and the inhabitants of Menis. Most of the other traders have been robbed after the same barbarous manner *etc.* In his opinion it's contrary to law to have any trade or friendly correspondence with those people up the Bay, especially during the Indian warr, who may from such vile actions be justly deemed pyrates *etc.* *Proposes* that vessels should not go up the Bay, which will prevent these insolent people from supplying the Indians with goods thus brought to them and compel them to resort to Annapolis Royal for their necessary supplies *etc.* 3¾ *pp.*

789. iii. Order by Lt. Govr. Armstrong. Annapolis Royal, 29th July, 1727. Forbidding all H.M. subjects from navigating to or trading with the French inhabitants at Mines, the places adjacent and Checanectou, they having refused the oath of fidelity *etc.* *Signed*, L. Armstrong. *Copy.* 1 *p.*

789. iv. Petition of the Deputies of French inhabitants of the River to Lt. Govr. Armstrong. 8th Sept., 1727. The Garrison and inhabitants of this River cannot subsist without the grain brought from the Bay. *Pray to* be permitted to go up the bay for it and that it be not allowed to be exported until they and the Garrison are supplied *etc.* *Signed*, Abraham Bourg, Bernard Godet, Charles Landry, J. Bourgeois. *French.* 1 *p.*

789. v. Order by Lt. Gov. Armstrong, 12th Sept., to the Deputies of the French inhabitants of the town of Annapolis Royal, to warn all heads of families to appear on 16th Sept. at 10 a.m. to take the oath of allegiance to K. George II *etc.* *Signed,* L. Armstrong. *French.* 1 *p.*

789. vi. Deputies of the French inhabitants to Lt. Govr. Armstrong. *Reply to preceding.* We cannot take any other oath than that which we took before Governor Philips *etc.*, that is, we will take the oath on condition that the following three clauses are inserted in it and signed on both sides, (i) That we shall be allowed the free exercise of our religion, with priests sufficient to practice it, (ii) that we shall be exempt from bearing arms (iii) and enjoy our property exactly as hitherto, *etc.* 71 *signatures. French.* 3 *pp.*

789. vii. Ensign Wroth to Lt. Gov. Armstrong. Annapolis Royall, Nov. 13th, 1727. *Describes* his proceedings in proclaiming King George II in the Bay of Fundy, at St. Johns, Chiconectou, Menis and Pisigitt *etc.* Oct. 4th and 6th and 7th, and his consenting to the addition to the oath of allegiance of the three conditions demanded by the inhabitants there (*as in preceding*). The proclamation of the King was received with demonstrations of loyalty. *Concludes :* I mett with some few stragling Indians at each place, they were intirely satisfyed with the additional article of peace, and parted with me, very friendly. *Signed,* Robert Wroth. 8 *pp.*

789. viii. Articles granted by Ensign Wroth to the inhabitants of Mines, Pisiguith *etc.* (*v. preceding*). *Articles* i–iii as in *No.* vi. *Article* iv. That they shall be free to withdraw when they think fit and to sell their goods and transport the produce without interruption, on condition that the sale be made to subjects of Great Britain, and that once they shall be outside H.M. territory, they shall be quit of their oath. *Signed,* Robert Wroth. *French.* 1¼ *pp.*

789. ix. Oath of allegiance taken by inhabitants of Mines, Pisiguith and dependancies, with the 4 articles as in preceding. About 173 *signatures* (*marks*). *Copy.* 1½ *pp.*

789. x. Copy of oath of allegiance taken by the inhabitants of Chignitou and dependencies, with the three articles granted them by Ensign Wroth (*as No.* vi). *Signed,* Robert Wroth. *French.* 1¼ *pp.*

789. xi. Oath of allegiance signed by preceding. 73 *signatures. French. Copy.* 1 *p.*

1727.

789. xii. Proclamation of King George II at Annapolis Royal, 8th Sept., 1727. *Signed*, by Lt. Governor Armstrong, Councillors, Officers of the Garrison of Annapolis Royal, and by Indians and French inhabitants of St. Johns, Chignitou, Pisiguith, Mines *etc.*, Oct. 4th—30th. 115 *signatures. Copy. French.* 2½ *pp.*

789. xiii. Instructions (10) of Ensign Robert Wroth, for proclaiming King George II and tendering the oath of allegiance *as above.* (vi) You are in case of their complyance to assure them of the free exercise of their religion which otherwise they have no title to as per 14th Article of the Treaty, and that their lands and estates shall be confirmed to them and their posterity *etc. Signed*, L. Armstrong. *Copy.* 3 *pp.*

789. xiv. Governor de Brouillan to Lt. Governor Armstrong. Louisbourg, 3rd Oct. (N.S.) 1727. *Returns thanks* for his letters and kindness shown to M. Latour. M. Breau, whom you permitted to go to Canada, is returned here to join his mission at Cobeguit. I have been much distressed by the seizure of a Boston vessel by the Indians at Newfoundland. I sent an officer to try to make them give it up, which he could not do; being informed that they meant to burn it, I have bought it at a very low price through an agent, and have written to the owner at Boston, that he can send for it on payment of what the agent gave for it. The savages let me know that they would endeavour on every occasion to destroy and take Boston vessels, in revenge for the savages they hanged last autumn. I am distressed that the Council of Boston should have acted so imprudently as regards the savages at a time when they appeared inclined to make peace in good faith. Having been informed that the Recolet missionary at Beaubassin was behaving irregularly and concerning himself with affairs which did not concern his Ministry, I have ordered him to withdraw to his convent in Canada *etc.* Is sending in his place a good secular priest, an old man who will cause you no trouble, and asks for your protection *etc. Signed*, St. Ovide de Brouillan. *Copy. French.* 3 *pp.*

789. xv. Lt. Governor Armstrong to Governor de Brouillan. *Reply to preceding.* I am very glad of Mr. Breau's return whom I look upon as a man of piety and honour *etc.* I am very much concerned at the advice you give me of the robbery and seizure of the English sloop, of which the Governor of New England has just sent me an account *etc.* Has instructed Capt. Bennett in his way for Great Britain to call at Isle

Royale "to expostulate with you on the subject of the master's complaints *etc.*, of which I inclose a copy, which seames so contrary to the strict union betwixt the two Crowns that I am surprised that the authers of such villany's can have any countenance or sanctuary from the subjects of either, for it's certain that the master[s] was deprived and robb'd of both his vessel and cargo, in a time of peace after a piratical manner *etc.*, and if the authors of this robbery are justly to be deem'd pirats, I may reasonably expect that they be treated accordingly *etc.* I cannot but observe as an agravation of the master's charge against the people of L'Isle Royall that the three shallop's which brought the Indians to Port le Basque where the master and his vessell were taken appeared under French colours, which makes it very probable that the said shallop's were either lent them or fitted out for that purpose by the French, who have therein been guilty of a very unjustifiable action, for which I must insist upon suitable satisfaction and your speedy answer in order to lay this whole matter before the King my Master." *Signed*, L. Armstrong. Read in Council, Nov. 13, 1727. *Copy.* 2 *pp.* [*C.O.* 217, 38. *Nos.* 16, 16 i–xv.]

Nov. 17.
Annapolis Royal.

790. Lt. Governor Armstrong to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis*. *Signed*, L. Armstrong. *Endorsed*, Recd. 23rd Jan., Read 31st May, 1728. 12 *pp.* *Enclosed*,

790 i–xiv. Duplicates of preceding enclosures *Nos.* ii–xv. [*C.O.* 217, 5. *ff.* 37–42*v.*, 43*v.*–45*v.*, 47–48, 49*v.*, 51–54*v.*, 55*v.*–56*v.*, 57*v.*, 59, 59*v.*, 60*v.*–61*v.*, 62*v.*–72*v.*, 73*v.*; *and* (*abstract of covering letter*) 217, 30. *pp.* 26–31.]

Nov. 17.
Whitehall.

791. Warrant from the Council of Trade and Plantations to John Rollos, H.M. Seal cutter, to prepare new seals for H.M. Plantations. Seals *described*. *Printed*, N. J. Archives, 1st Ser. V. 180. [*C.O.* 324, 11. *pp.* 53–58.]

Nov. 17.
Whitehall.

792. *Same* to the King. Recommend for confirmation Act of Antigua *confirming the title of George Thomas etc.* (*v.* 13th Oct.). [*C.O.* 153, 14. *pp.* 273, 274.]

Nov. 17.
Whitehall.

793. Mr. Popple to Governor Nicholson. Reminds him of his promise, given when he attended the Board, 27th Sept., to give his thoughts in writing upon Capt. Massey's letter relating to the Fort upon Alatamaha River *etc.* [*C.O.* 5, 400. *p.* 231.]

1727.
Nov. 20.
Middle Temple.

794. Mr. Newman to the Duke of Newcastle. Another (*v.* 15th Nov.) Address is come to hand from the President and Corporation of the several Colleges at Cambridge in N.E. which they desire may be presented to H.M. by Thos. Hollis Esq. of London and such other Gent. as happen to be in London either as Patrons or Graduates of those Colleges. My Lord, Mr. Hollis is the generous Founder of severll. Professorships and Scholarships in those Colleges to the value of several thousand pounds, and if he may be admitted to the honour of presenting the Address in person, and to be introduced by your Grace with such Gent. as can conveniently attend him, I am sure the honour will be highly esteemed by that Corporation especially if H.M. vouchsafes an answer in the manner that has been done to other learned bodies on the like occasion. And, if yr. Grace approves of it, I would humbly present the N. Hampsh. Addresses at the same time, to receive the honour from His present Majesty which My Lord Townshend was pleased to introduce me to on the like occasion to His late Majesty *etc.* *Signed,* Henry Newman. 2 *pp.* [*C.O.* 5, 10. *No.* 11.]

Nov. 20.
New York.

795. Governor Burnet to Mr. Popple. *Encloses* duplicates of letters Aug. 28 and Oct. 26, and Naval Officer's accounts, 25th March—29th Sept. last. Has received Orders for proclaiming H.M. This comes by the brigantine *Catherine etc.* P.S. The Assembly not being up, I refer an account of their proceedings to my next. *Signed,* W. Burnet. *Endorsed,* Recd. 8th Jan., Read 1st May, 1728. ¾ *p.* *Overleaf,*

795. i. Duplicates of 28th Aug. and 26th Oct. 1 *p.* [*C.O.* 5, 1054. *ff.* 256, 256*v.*, 257*v.*]

Nov. 21.
Whitehall.

796. Order of Committee of Privy Council. Referring to the Council of Trade the petition of John Greatheed to be restored Chief Justice of St. Kitts and granted a copy of Governor Mathew's reasons for superseding him *etc.* (*v. supra* 15th Aug., *and* A. P. C. III. *No.* 136.) *Signed,* Temple Stanyan. *Endorsed,* Recd. Read 6th Dec., 1727. 1½ *pp.* *Enclosed,*

796. i. Petition of John Greatheed to the King. *v. preceding.* 3½ *pp.* [*C.O.* 152, 16. *ff.* 48–50*v.*, 51*v.*]

[Nov. 21.]

797. Copy of reasons given by the three dissentient Councillors of St. Kitts for refusing to approve of the Commander in Chief's nomination of Jeremiah Browne to be Chief Justice. (*cf.* 15th Aug.) Mr. Greatheed was appointed with our consent *quamdiu se bene gesserit,* and was not removable at pleasure *etc.* *Signed,* Joseph Estridge, John Willett, Chas. Payne. 2⅓ *pp.* [*C.O.* 152, 16. *ff.* 52–53.]

1727.
Nov. 21.
Whitehall.

798. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Christmas to Michaelmas. Apply for payment of salaries of Secretary and other Officers for the same period. *Accounts, certified, annexed.* [*C.O.* 389, 37. *pp.* 279–284.]

Nov. 21.
Barbados.

799. Governor Worsley to the Duke of Newcastle. *Has now* received and published the Proclamation for continuing officers *etc.* (*v.* 16th and 26th Oct.). *Will write* at large shortly in relation to the Assembly. *Continues*:—The 30th Oct. I prorogued them to the 9th of the next month, and having received the aforesaid Proclamation, I design to prorogue them for three or four months longer, and do not think it proper to let them sit, or call a new Assembly till I have the honour to receive H.M. commands upon their past conduct. *Signed,* Henry Worsley. *Endorsed,* R. Jan. 8. 2 *pp.* [*C.O.* 28, 44. *No.* 116.]

Nov. 21.
Barbados.

800. *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed,* Henry Worsley. P.S. This goes by the *Italian* galley *etc.* *Endorsed,* Recd. 6th Jan., Read 29th March, 1728. 2 *pp.* [*C.O.* 28, 19. *ff.* 145, 145*v.*, 146*v.*]

Nov. 22.
Whitehall.

801. Mr. Popple to Mr. Scrope. Repeats enquiries of 16th March, relating to draft of bill for preservation of H.M. woods *etc.* [*C.O.* 324, 11. *pp.* 59, 60.]

Nov. 24.
Philadelphia.

802. Lt. Governor Gordon to the Duke of Newcastle. I beg leave to renew my dutifull acknowledgments for your Grace's great goodness to your humble servant and to acquaint you that my predecessor Sr. William Keith does all that in him lyes to disturb the quiet of the peaceable people of this Province. He is possessed of a tract of land consisting of 2,000 acres valued at £40 per 100 acres of this country money which tract he had assigned over to him for her late Majesties' use in part of £2,000 rais'd for the service of the Crown in the Expedition against Canada, the remainder of the £2,000 he receiv'd in specie and to this day never accounted for one farthing thereof. My Lord Duke, I humbly hope that my long and faithfull service in defence of our most happy establishment (when Sr. William was acting a part quite the reverse) may intitle me to H.M. favour preferable to him and therefore I must beg your Grace's assistance for procuring me a grant for said tract of land. This would be a very great instance of your Grace's goodness to your most dutifull servant, besides the answering of another good end which is procuring peace to this Province, for if my predecessor is brought to account for said £2,000, he would not stand it, by which we sho'd get rid of this troublesome man *etc.* *Signed,* P. Gordon. *Endorsed,* Rd. May 15, 1728. *Holograph.* 3 *pp.* *Enclosed,*

1727.

802. i. (*a*) Copy of clauses in an Act of Pennsylvania, 1711, *for raising* £2,000 *for the Queen's use, to be paid to the Lt. Governor etc.*

(*b*) Copy of Minutes of Council of Pennsylvania, 12th Nov., 1717. An account of the above money, received by the late Treasurer, was ordered to be called for, and the money ordered to be lodged in Lt. Gov. Keith's hands for H.M. use, *etc.* 1 *p.* [*C.O.* 5, 1234. *Nos.* 11, 11 i, ii ; *and* (copies) 5, 1233. *Nos.* 64, 64 i.]

Nov. 24. Whitehall. **803.** Council of Trade and Plantations to Governor Worsley. *Acknowledge* letters of 4th and 15th Aug. "and all the papers therein referred to except the Excise Act, which we desire you will send by the first opportunity." *Continue* :—We are sorry to observe the differences you have had with the Assembly, in relation to their presenting their Speaker to you for approbation ; but since that matter is now at an end, we shall say no more concerning it. We observe in your letter of 4th Augt. a rule made by the Assembly, that the names of the Members voting for, or against any motion, bill or other proceeding of the House be inserted by the Clerk in the Minutes of the House ; which is entirely contrary to the usage of England, and is a method that may produce very bad consequences. *Refer to* their letters of 26th June and 11th July with H.M. Proclamations *etc.* [*C.O.* 29, 14. *p.* 430.]

[Nov. 28.] **804.** Governor Nicholson to the Council of Trade and Plantations. *Reply to* 17th Nov. Fort King George was erected in 1720 to maintain H.M. property, it being suspected that the French or Spaniards would take possession of the Alatamaha River, being within the bounds of S. Carolina *etc.* The fort was properly plac't and is necessary for this purpose *etc.*, "which was also during my residence the opinion of H.M. Council and Assembly, how they came to alter their opinion now will appear by the letters lately left by me with Mr. Popple *etc.* Altho' the present exigency of affairs may require as they represent calling in the Company nearer home, a detachment from the Company should be sent and relieved at proper times to keep possession of the Fort *etc.* The hardships the Company may have undergone are a natural consequence attending new and remote settlements but I cannot think they can be so great as represented, and had the officers and soldiers followed my advice they might by raising inclosures and making gardens have had cattle etc. to supply them with fresh provisions. I did alsoe from time to time send them powder and shott and fishing tackle, there being great plenty of deer, wild fowle and fish, and generally maintained some Indians to instruct them in hunting and fishing, whereby they might have saved their pay by victualing themselves. As to the complaint of injurious treatment by the country in not supplying bedding and necessarys when desired, that might be occasioned by my supplying everything when commanding, appropriating to myself only 10*s*. pr. diem. as Capt. *etc.* The sickness of the men is much owing to their being Invalids, old infirm unactive and morose, and so lazy and mutinous that could not be prevailed on to fetch themselves wholesome water as the natives did *etc.* Ammunition should be supplied by the Board of Ordnance and an Engineer sent over to put it in a proper condition or alter the situation *etc.* *Signed,* Fr. Nicholson. *Endorsed,* Recd., Read 28th Nov., 1727. 2½ *pp.* [*C.O.* 5, 360. *ff.* 22–23*v.*; *and* 5, 383. *No.* 29.]

Dec. 1.
St. Christophers.

805. Lt. General Mathew to the Council of Trade and Plantations. *Encloses* duplicate of 12th Oct. *and refers* to other papers sent home, including accounts from Montserrat, where the forts " are in a most scandalous condition, and as badly supply'd " *etc.* *Continues:*—All these I desire Mr. Meure to present to your Lordships, there being no Agent for either of these islands. *Acknowledges* letter of 1st June and has written to Lt. Governor Byam to move the Assembly of Antego to pass another powder Act as therein directed, and in accordance with the Board's orders of 18th July, has recommended to the Council and Assembly of St. Kitts the repeal of so much of the Common Law Act as alters the Secretary's fees. *Has published* H.M. Proclamation continuing officers *etc.* (*v.* 11th July). Mr. Beak will attend the Board with proceedings of Court of King's Bench and Common Pleas for St. Kitts, June—Aug., 1727. *Continues:*—" And now I learn from the Lt. Governor of Spanish Town that H.M. was proclaim'd there in the best manner could be on the 5th of Oct. last. I send to Mr. Meure the Proclamations sign'd by the inhabitants there to be deliver'd by him at your Lordship's Board, and *etc.* an accot. of the number of negroes imported into Antego 25th March—20th Nov. 1727. As 'tis expected H.M. will appoint a new Governor of His Leeward Islands, I humbly offer to your Lordships whether the following alterations in His Commission will not be expedient vizt., That the words " that you take the oath for the execution of the office and trust of our Captain General " be omitted, or the form of such an oath be given with the Commission, no such being here, or ever taken, only the Parliamentary oaths and oath of Trade. " And also to suspend any of our Lieutenant Governours." Should not the words be " *to suspend our Lieutenant General and any of our Lieutenant Governours,*" to correspond with the 13th Instruction. " Summon or call General Assemblys." I humbly propose adding the words

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"*or Assemblys of each particular Island.*" The words *General Assembly* are allways taken for an Assembly representing the four islands, and has for about seventeen years past been disus'd. They were never call'd but where business was to be propos'd and laws made that regarded the whole Government, as in time of warr to settle to each island it's quota in general provisions for defence, expences of general concern, as on a cartel hireing vessells to return prisoners *etc.* But now the Islands are so independant of each other, that a case can hardly offer to require calling such an Assembly. 'Tis besides ungratefull to the people to be summon'd off their Island, and for that reason, and on squabbles about precedency of the Islands such summons of Assemblys have heretofore been evaded, not obey'd and of no effect. Each Island now in it's respective Assembly, wch. is never call'd General Assembly, provides laws etc. for it's own service. "And that you the said John Hart or in your absence our said Lieutenant General or Lt. Governours, shall have full power and authority to make laws." This clause has occasion'd doubts and debates thereon. The word *absence* certainly means no other absence than if a General be at Antego he is absent from St. Christophers. Where he is absent from the whole Government a provision is made in the Commission. But by this clause an independent power is seem'd to be meant, as if a law made at St. Christophers whilst the Chief Governour is at Antego and passd by the Assembly Council and Lt. Governour be ripe (without the Governour's passing it, and affixing the publick seal) for being presented for H.M. assent. And this in former times was so, and we have laws in Antego that pass'd under the Lt. Governour's Seal only. But I humbly submit it to your Lordships, whether this clause should not declare all laws shall be presented to the Chief Governour for his assent or dissent, that the negative may be in him onely, that the publick seal (in his keeping only) may be affixd. And to declare that each Lieutenant Governour in his Legislative capacity is only a member of H.M. Council in his respective Lieutenant Government, as nominated in H.M. Instructions. And as to the negative voice, will not a subsequent clause therefore be to be alter'd. But the adjourning or proroguing must continue in each Lieutenant Governour. 'Tis impracticable for the Chief Govr., who can be but in one island at one time. And here the words "Generall Assemblys" should be *Assemblys* only. A Lieutenant Governour (not Commander in Chief) can never preside at a General Assembly. I humbly offer that the following clause as farr as it empowers Lt. Governours be left out. 'Twould breed strange confusions, if a chief Governour when on St. Christophers commissions an officer and goes to Antego, the Lt. Governour should suspend that Commission or appoint another. The words in the Commission are "And we do hereby grant unto you, and in your absence to our Lt. General or Lt. Governors respectively full power and authority to appoint Judges, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, etc." The word *Sheriff* must absolutely be left out. That office is calld here *Provost Marshall*, a post now pattented by H.M. in England. And as the Chief Governour has the custody of the Great Seal, I humbly offer that the following clause be alterd, and that he, only, have power to grant lands. Tho' formerly the Lt. Governors usd to grant them, and some titles still are in being under a Lt. Governor's seal, but hardly within these forty years. The clause now runs thus. "And we likewise give and grant unto you and in your absence to our Lt. Genll. or Lt. Governors respectively full power and authority to settle and agree for such lands" *etc. Encloses* lists of Councillors etc. *Signed*, William Mathew. *Endorsed*, Recd. 23rd March, Read 5th April, 1728. 5½ *pp. Enclosed*,

805. i. Accounts of stores of war and condition of forts in Antigua, Oct.—2nd Nov., 1727 (*v. preceding*). *Endorsed*, Recd. from Mr. Meure March 26, 1728. 7 *pp.*

805. ii. Treasurer's Accounts, Antigua, Jan.—Nov. 1st, 1727. Receipts and expenditure, £16,073 19*s*. *Signed*, Geo. Byam, Treasurer. *Endorsed as preceding.* 6 *pp.*

805. iii. List of burials and christenings in the several parishes of Antigua, 29th Sept. 1726—1727. Totals :—Burials, 110 ; Christened, 126. *Endorsed as preceding.* 7 *pp.*

805. iv. Account of negroes imported into Antigua, from April 8—Nov. 20th, 1727. *Total* 1658 in 8 ships from Africa and one from Barbados. Average price £20 sterl. *Endorsed as preceding.* 1 *p.* [*C.O.* 152, 16. *ff.* 190–195*v*., 196*v*., 197, 198, 200, 201–203*v*., 204*v*.–206, 207–208, 209, 210, 211, 212, 213, 214–215, 216*v*.]

Dec. 1.
St. Christophers.

806. Lt. General Mathew to the Council of Trade and Plantations. Is sending the following, just received, to Mr. Meure *etc. Signed*, William Mathew. *Endorsed*, Recd. 23rd March, Read 5th April, 1728. 1½ *pp. Enclosed*,

806. i. List of Councillors in the Leeward Islands. *Signed*, William Mathew. *Endorsed*, Recd. 23rd March. 1 *p.*

806. ii. Treasurer's accounts, Montserrat, 1st June—9th Nov., 1727. *Totals :*—Receipts, £846 11*s*. 1½*d*. Expenditure, £759 6*s*. 1½*d*. *Signed and sworn*, John Roynon, Treasr. 2 *pp.*

806. iii. Account of annual revenue and salaries, Montserrat. *Signed*, John Roynon. *Endorsed*, Recd. (from Mr. Meure) 26th March, Read 5th April, 1728. 2 *pp.*

806. iv. Account of guns and stores in H.M. forts at Montserrat. 9th Nov., 1727. *Signed*, John Roynon, Fort Major and Storekeeper. 1 *p.*

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806. v. Account of powder received and expended, Montserrat, 13th June—9th Nov., 1727. *Signed as preceding. Endorsed* as *No.* iii. 1 *p.*

806. vi. Account of negroes imported, Montserrat, 25th March—9th Nov., 1727. One consignment of 62 at £17, and one of 130 at £20 sterl. *Signed and endorsed as preceding.* 1 *p.*

806. vii. Proclamation of accession of King George II at Spanish Town, 5th Oct., 1727. 43 *signatures.* 1 *p.*

806. viii. Proclamation of accession of K. George II at Montserrat, 26th Sept., 1727. 66 *signatures.* 1 *large p. Nos.* vii and viii *endorsed as No.* iii. [*C.O.* 152, 16. *ff.* 217, 218–219, 220*v.*, 221*v.*, 222, 223, 224, 224*v.*, 225*v.*–227*v.*, 228*v.*, 229*v.*–230*v.*]

Dec. 1. Whitehall. **807.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following,

807. i. *Same* to the King. Representation upon Capt. Massey's report (*v.* Sept. 23rd). *Sketch history of* Fort King George, now abandoned, quoting Nicholson's report, Nov. 28. *Conclude*:—Altho' the situation of the Fort may not be very healthy, and altho' there may be some reason to complain, for want of proper accommodations, whatever inducements the Council and Assembly might have to withdraw the Garrison, for any immediate service, from thence to Port Royal, yet we are of opinion that the Fort ought not to be abandoned, but that orders should be sent without loss of time for resuming the possession of it lest the same should fall into the hands of the French or Spaniards, the reasons being at present rather stronger for maintaining of this fort than they were at first for erecting of it; This may be done by sending only a detachment of the Company to Alatamaha, for we look upon this fort at present rather as an evidence of your Majesty's possession, than as a place capable of making any considerable defence. This detachment may from time to time be relieved, from Port Royal, by which means the soldiers will have the means of preserving or recovering their health, and it may be left to the discretion of your Majesty's Governor there, to change the situation of the fort to any other place, not lyable to the same objections with this, provided the same be situate in a place that may command the navigation of the said river. We the rather recommend this because we are informed, the Spaniards are equiping several periaguas to cruise upon that coast, and they may probably take possession of this river if not speedily

prevented. At the same time, we would humbly propose that orders may be sent to your Majesty's Governor there, to furnish the soldiers with all proper conveniences, and to give all possible encouragement for the carrying on so important a service. It may likewise be necessary that your Majesty should be graciously pleased to give directions to your Board of Ordnance, to send some powder and ball, to Carolina, for the service of the said fort, their stores being entirely exhausted. *Autograph signatures.* 5¾ *pp. Enclosed,*

807. ii. (*a*) Deposition of Jacobus Kiersted, late master of the sloop *Two Brothers*, of New York. 8th Sept., 1727. Bound from Pennsylvania to S. Carolina, he was captured by two Spanish sloops, 21st Aug., which afterwards captured another sloop commanded by one Middleton (*v. No.* ii (*b*)), and a snow from Bristol, Capt. John Hall, bound from Honduras to S. Carolina with logwood *etc.*, which the Spaniards gave to the English prisoners *etc.* Deponent was told on board the Spanish privateer, which was commanded by one Bloss from the Havannah, that they expected a snow of 12 guns and 120 men from the Havannah and a schooner of 35 hands to cruize on the coast of Carolina, *etc.* Bloss told him it was war, and that ten or twelve pettiaugers were fitting out of St. Augustine to come along the coast, and shewed an instrument which he called a Commission from the King of Spain, and Governor of the Havannah, and said there were ten or twelve such sent from the King of Spain to the Governor *etc.* *Signed,* Jacobus Kiersted.

(*b*) Deposition of Solomon Middleton, late master of the sloop *Betty* of S. Carolina. Charles Town. Sept. 5th, 1727. Bound from Philadelphia to Charles Town, he was captured *etc. as above.* Capt. Bloss Roderegoes told deponent that he came with four sail of privateers all belonging to the Havannah to convoy the Flota Armado through the gulf, consisting of ten sail freighted with silver and gold *etc.* *Signed,* Solomon Middleton. *Copies. The whole,* 4 *pp.* [*C.O.* 5, 383. *Nos.* 30, 30 ii, iii ; *and* (*duplicate of covering letter*) 30 i ; *and* (*without enclosure* ii) 5, 400. *pp.* 232-237.]

Dec. 4.
Barbados.

808. Governor Worsley to the Duke of Newcastle. The bill to *exclude members of General Assembly from certain offices* (*v.* 16th Oct.) has been brought into the Council where were seven Members present. Mr. Salter, Mr. Maxwell, Mr. Weeks and Mr. Bond were against passing the bill, and the other three, Mr. Maycock, Mr. Lightfoot and Mr. Haggatt, were for it; Mr. Haggatt proposed that the Puisne Barons of the Exchequer the Assistants to the Judges of the several Courts of Common Pleas, and the Lt. Collonels and Majors of the several regiments, should be left out of the bill, and that only the Chief Barons, Judges, and Collonels, should be excluded from being chosen Assembly men, which motion was seconded by Mr. Lightfoot, but the aforesaid Members of the Council, to clog the bill did also oppose that amendment, and when the question was put, whether the bill, as it was sent up from the Assembly should pass, or not, the said four Members gave their negative, and the other three, notwithstanding their amendmt. was flung out, voted for the bill; I cannot hope for much service from such Counsellors; I have been very much deceived in Mr. Haggatt's conduct, which I expected would have been quite different when I had the honour of recommending him as a person fit to be a Member of H.M. Council here. *Refers to enclosures. Continues:*—By the title of the Address (*No.* i), your Grace will see, it is to me in Council, but as I do not think that either the Council or Assembly can take any cognizance of what I do by H.M. particular commands to me, I did not think it proper to have it read there, tho' I first shewed it to H.M. Attorney General, who was of opinion, it did not lay before the Council, however that this Island may have no reason to complain of my not having done them justice upon this head, I have ordered all the Officers to lay a list of their several fees before me in Council, in pursuance to my 38th Instruction where H.M. commands me, with the advice of the Council, to take special care to regulate the officers fees and that no exactions be made upon any occasion; and I shall at the same time according to my 54th Instruction, be as carefull to countenance all Patent Officers in the enjoyment of their legal and accustomed fees *etc.* Your Grace will observe by the said Address, an insinuation as if the Governors had too much favoured the respective Deputies to the Patent officers. I have always thought it my duty to support them in their just rights, and out of the great regard I have to H.M. patent, I have favoured them as far as is consistent with justice, and I wish I could say they had all deserved it from me. Mr. Bignal H.M. Deputy Casual Receiver here is a Member of this present Assembly, and has shewn himself, upon all occasions very violent, *etc.* By the Minutes of the Assembly your Grace will observe, that he not only voted for the abovementioned Address, but also made a motion for an Address to me to recall warrants I had given to several matrosses by law established, and that I would not issue further orders for the payment of the said matrosses till further provission should be made for the same. The 5th of Oct. last, they recalled their said Address to me, and would effect it by a bill, to regulate the number and salaries of the matrosses, and ascertain the method and manner of paying them by a law. Your Grace will find by the inclosed Minutes of Council that Collo. Saml. Durousseau a French Protestant naturalized in Great Britain is made Storekeeper; Collo. William Leslie has had that office, as also that of Comptroller of the Excize duty for these three years last past. The Minutes of the present Assembly shows how dutifully he has behaved himself in whatever regarded H.M. service, and I must say of this Gentleman that he refused the offers that were made him, of continuing him in the said posts, if he would have fallen into the measures of the present Assembly; I cant help observing upon this occasion, the ill use this present Assembly makes of the privilege the Crown has formerly granted to the General Assembly of this Island, of appointing the Treasurer, Comptroller, and Storekeeper, the two former of these officers, they say, is absolutely in them tho' as to the latter the Assembly does only nominate the person who they, joyntly with the advice of the Council recommend to the Governour for his confirmation, and indeed in this present case I might have refused him; yet I thought it more prudent not to disagree with the Council at the same time I differ with the Assembly *etc.* *Encloses* Act *to regulate and ascertain the elections, manner of accounting, powers and proceedings of Churchwardens,* which has passed the Assembly and the Council here, but as it repeals some clauses in an Act of this Island, 1648, *giving power to Churchwardens to make sale of lands etc.*, and so much of the first and second clauses of another Act, 1676, *appointing the sale in open of effects attached for the Excize, the parish dues etc.*, as relate to the sale of effects attached for parish dues, and also one other Act, 1720, *to oblige Churchwardens to account etc.*, and as I suppose these Acts have had the Royal assent, therefore, according to my 21st Instruction, I refused to give my assent to it, till H.M. further pleasure should be known concerning the same, and indeed I doubt whether it ought to have a retrospect to the former Church Wardens, or not. *Signed,* Henry Worsley. *Endorsed,* Rd. Feb. 1. *Enclosed,*

808. i. Address of the General Assembly of Barbados to the Governor in Council. 5th Oct. 1727. We have for some years past labour'd under most severe and unparalled grievances and oppressions by means of the Patentee Officers farming out their offices to persons generally of but small fortunes, who having been too much favoured by the Governours, have taken an unlimitted power in exacting exorbitant fees contrary to the laws *etc.* *Request* H.E. to order them to lay before the House a list of the fees by them taken *etc.*, and to order a copy of the Attorney

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General's report to himself upon several abuses committed by some of the said officers, "in order to have them severally inspected that proper and expedient provisions may be made for the subjects relief" etc. *Signed,* Robt. Warren. Cl. of the Assembly. *Copy.* 2 *pp.*

808. ii. Address of General Assembly of Barbados to the Governor in Council. 5th Oct., 1727. *Ask for* confirmation by the Governor and Council of their appointment of Samuel Durousseau as keeper of the Stores of the Magazine for one year, in place of William Leslie, whose appointmt. has expired. *Signed as preceding. Copy.* 1 *p.*

808. iii. Duplicate of *No.* i.

808. iv. Act to regulate and ascertain elections *etc. Copy.* 12 *pp.* [*C.O.* 28, 44. *Nos.* 117, 117 i–iii (*without enclosure* iv); *and* (*enclosure* iv *only*), 28, 39. *No.* 50.]

Dec. 4.
Barbados.

809. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. P.S. This goes by the ship *Charles* etc. *Signed,* Henry Worsley. *Endorsed,* Recd. 1st Feb., Read 29th March, 1728. *Enclosed,*

809. i, ii. Duplicates of Encl. i, ii, preceding.

809. iii. Minutes of Council, Barbados, 24th Oct., 1727. 7 *pp.*

809. iv. Copy of bill to *exclude members of Assembly from certain offices etc.* Passed Assembly 5th Oct., 1727. 3½ *pp.*

809. v. Copy of bill to *ascertain the elections of Churchwardens etc.* Passed the Assembly, 5th Sept., 1727. 13 *pp. Nos.* i–v, *endorsed as covering letter.* [*C.O.* 28, 19. *ff.* 147–152*v.*, 153*v.*, 154, 155*v.*–161*v.*, 163*v.*–170*v.*, 171*v.*]

Dec. 5.
N. Providence.

810. Governor Phenney to the Council of Trade and Plantations. In my last of the 20th of November by the *Guinea-Hen*, John Stephenson Commander, I did myself the honor to give your Lordships an account of our proclaiming his sacred Majesty *etc.*, and since when I took the oaths in Council *etc.*, and Tuesday last being the Quarter Sessions the major part of the inhabitants of this island did so too *etc. Signed,* G. Phenney. *Endorsed,* Recd. 19th Feb., Read 8th May, 1728. 1 *p. Enclosed,*

810. i. Minute of Council of the Bahama Islands, 23rd Nov., 1727. The Governor and Councellors took the oaths *etc. Endorsed,* Recd. 19th Feb., 172⅞. *Copy.* ⅔ *p.* [*C.O.* 23, 2. *ff.* 125, 126, 127*v.*, 128*v.*]

1727.
Dec. 5.
N. Providence.

811. Governor Phenney to the Duke of Newcastle. *Begins as preceding covering letter, and encloses* "an humble address which I beg your Grace to lay before H.M." *etc. Signed,* G. Phenney. *Endorsed,* R. 18th Feb. 1 *p.* [*C.O.* 23, 13. *ff.* 510, 511*v.*]

Dec. 6.
Whitehall.

812. Council of Trade and Plantations to the King. *Representation* upon the Act of New York, 1726, *for easier partition of land held in common and promoting the settling and improvement thereof, and for confirming former divisions in the settled Townships of this Colony.* There does not appear to be any essential reason for constituting such an extraordinary method of proceeding for the partition of lands held in common, as is prescribed by this Act, which is general and extends to the whole Province, since the same purpose might be effected by writs of partition, or private acts, where they should be found necessary; but on the contrary, we conceive the said Act to be lyable to many objections *etc.* The property of private persons might be in great danger of being prejudiced, not only by the methods of partition prescribed, but for want of due provision therein for minors, and persons under other disabilities. This Act would in great measure, operate as a private law, and thereby your Majesty's Instruction requiring in all private Acts the inserting a saving of the right of the Crown and of other persons therein mentioned, as also that publick notification should be made of the parties intention to apply for such Act *etc.* would be evaded. But the consideration of greatest importance with us, is, that we have reason to apprehend the principal design of this Act is to defraud your Majesty of vast tracts of land, at present held upon pretence of certain exorbitant grants, upon which very small or no quit-rents are reserved to your Majesty. The Legislature of New York have long been desirous of a law for this purpose *etc. Refer to* Representation of 26th Sept., 1722. *Conclude*:—Altho' there be a clause in this Act to prevent it's taking effect till your Majesty's pleasure shall be known, yet we humbly propose that your Majesty should signify your disallowance thereof, that the like attempt may not be again renew'd *etc. Set out,* N.Y. Col. Docs. V. *pp.* 843, 844. [*C.O.* 5, 1125. *pp.* 108–111; *and* (*rough draft*) 5, 1079. *No.* 148.]

Dec. 6.
Whitehall.

813. *Same* to *Same.* Recommend for confirmation Act of Antigua *for holding a Court to hold plea of foreign attachments etc.* (*v.* Oct. 19th). [*C.O.* 153, 14. *pp.* 274, 275.]

Dec. 6.
Whitehall.

814. Mr. Popple to Mr. Harris. *Reply to* 13th Nov. My Lords Commrs. will hear you any morning upon notice *etc.* [*C.O.* 138, 17. *pp.* 240, 241.]

1727.
Dec. 8.
Whitehall.

815. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* copy of postscript to Lt. Govr. Gooch's letter relating to ships taken by Spanish privateers. *Continue* :—When we receive a more particular account, we shall transmit the same to your Grace, *etc. Autograph signatures.* 1 *p. Enclosed,*

815. i. Copy of postscript, Sept. 21st, 1727. [*C.O.* 5, 1344. *Nos.* 4, 4 i ; *and* (*without enclosure*) 5, 1365. *p.* 373.]

Dec. 8.
London.

816. Governor Lord Londonderry to the Duke of Newcastle. *Requests* extension to 32nd Instruction, permitting Governor to accept present from second Assembly *etc. as* July 23 *q.v.* "I apprehend it will be for H.M. service, for then a Governour will be under no inducement on his first arrivall, to deferr meeting the Assembly (which perhaps H.M. service may require) untill he has made acquaintance, and freinds in the respective Assemblys" *etc. Signed,* Londonderry. 3 *pp. Enclosed,*

816. i. Copy of 32nd Instruction of the Governor of the Leeward Islands. 1 *p.* [*C.O.* 152, 43. *ff.* 22–23, 24.]

Dec. 12.
Newport, on Rhode Island.

817. Address of several of the Episcopal Clergy to the King. *Express* loyalty, and *conclude* by arguing "the great necessity of a resident Bishop" *etc. Signed,* Timothy Cutler, Samuel Myles, James Honyman, James McSparran, George Pigot, Samuel Johnson, Ebenr. Miller, Henry Caner. *Endorsed,* Rd. March 7, 172$\frac{7}{8}$ from the Bp. of London, who desired it might not be inserted in the *Gazette.* 1 *large p. Parchment.* [*C.O.* 5, 898. *No.* 42.]

Dec. 12.
Whitehall.

818. Council of Trade and Plantations to Lt. Governor Gooch. *Acknowledge* letter of 21 Sept. *Continue* :—We take this opportunity of congratulating you [*upon your arrival*], and of approving your conduct in relation to the proclaiming H.M., and to your having published the Proclamation for continuing all officers in the execution of their respective trusts *etc.* You acquaint us that the meeting of the house of Burgesses is deferr'd, in hopes of receiving some Instructions *etc.*, before their meeting *etc.* The new Instructions prepared for the Earl of Orkney, are not yet finished ; wherefore we think you will do well to act by virtue of those you carried with you, till such time as you shall receive the new ones. We shall expect a more particular account by the first opportunity, of the ships and sloops taken by the two Spanish privateers mention'd in your letter. [*C.O.* 5, 1365. *pp.* 374, 375.]

Dec. 12.
St. James's.

819. Order of King in Council. Approving draught Instructions for the Governors of Jamaica, New York and New Jersey relating to pirates' effects *etc.* (*v.* 26th Oct. and

1727.

8th Nov.). *Signed*, Ja. Vernon. A true copy, Ja. Vernon. *Endorsed*, Recd. 29th, Read 30th April, 1728. 3 *pp.* [*C.O.* 323, 8. *No.* 90.]

Dec. 12.
St. James's.

820. H.M. Commission to David Dunbar to be Surveyor General of H.M. Woods in America. *Copy.* [*C.O.* 324, 49. *ff.* 51–54.]

Dec. 13.
Williamsburgh.

821. Lt. Governor Gooch to the Council of Trade and Plantations. *Acknowledges* receipt of Proclamation for continuing all officers *etc.* *Continues* :—All the returns are ready to be sent by the first ship bound for London ; I did not think it proper to convey them by an out-port ship, indeed am told 'tis not the custom. I am now to acquaint your Lordships with the death of Col. Nath. Harrison, one of the Council, and Deputy Auditor of this Colony : for the last vacancy there are interests made to Mr. Walpole, from Col. Hen. Harrison and Mr. John Blair, nephew to the Commissary ; for the first I recommend to your Lordships the same Gentleman brother to the deceased, and Col. William Randolph ; and as they are both of them well worthy of that honour, firmly attach'd to H.M. and family, I hope your Lordships will favour one of them ; and guard against any other application, especially, one person I have reason to suspect is endeavouring after it upon no other merit, than that he is brother to Mr. Cockburn, one of the Lords of the Treasury : this I confess would go a great way with me in his behalf, were not the essentials wanting. Your Lordships shall soon have a list of persons proper for the succession ; since the General Court, I have been very ill, and the most useful person in this country to a Governor confined by the loss of his leg ; that I hope your Lordships will make some allowances if I am not got into the exact method of relating business *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 14th, Read 15th Feb., 172$\frac{7}{8}$. *Holograph.* 1 *p.* [*C.O.* 5, 1321. *ff.* 10, 11*v.*]

Dec. 14.
St. James's.

822. Order of King in Council. Referring to Committee of Council representation of 6th Dec. on Act of Antigua *for constituting a Court to hold plea of foreign attachments etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 328, 329*v.*]

Dec. 14.
St. James's.

823. Order of King in Council. Referring to Committee of Council representation of 17th Nov., upon Act of Antigua *for securing the title of George Thomas etc.* *Signed*, Edward Southwell. *Endorsed as preceding.* 1¼ *pp.* [*C.O.* 152, 16. *ff.* 332, 332*v.*, 333*v.*]

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Dec. 15.
New York.

824. Mr. Colden to Mr. Popple. As the Assembly continues in their design of weakning H.M. Government here, it seems necessary to lay hold of all means which may be usefull in putting a restraint upon them. The Assembly preceding the last endeavoured to make the Officer's of the Government wholly dependent on them *etc.* The last Assembly has not been content with this, and with their having in effect the nomination of all the Officers who are not immediately apointed by the King, but have gone on to weaken the two principal Courts of Judicature *etc.* *Refers to* Act *for preventing of prosecutions by information and their resolves* against the Chancery Court *etc.* (*v.* Dec. 21, 1727 and Jan. 4, 1728). *Continues*:—It is not easy to be conceived to what degree of weakness the administration here is reduced, the consequences of which may be very dangerous to the safety of the Province in general and the properties of the subjects, for in case of any foreign attack or tumult among the people, the Government here is not able to make any stand without the immediate assistance of the Assembly, and the authority of the Courts of Judicature will depend upon the humours of the prevailing party in that house. In short if they shall be allow'd to go on without some speedy remedy to put a stop to them, it is to be fear'd that a resolve of the House of Representatives will in time be lookt on as of more force than his Majesty's most positive command, or even perhaps than an Act of Parliament if it be not accompanied with sufficient force to put it in execution. All this is occasioned by H.M. not having any fund to support his Government here, but what is given by the Assembly yearly or every two or three years, and though the governing party in that house may recommend themselves to Coll. Montgomery at his arrival, by granting a support for some few years, as is usual, yet assoon as those years shall be near expiring, we shall again fall into the state we now are in, and the longer the remedies are delayed, they will be aplied with more difficulty and danger. The only thing that I know in the power of the Government here whereby to gain a certain support, is an enquiry into the grants of lands, *etc.*, and if this enquiry be made in a proper manner, it will not only be effectual for the purposes design'd, but may also become popular *etc.* *Waits to know* whether what he wrote 12 months ago is acceptable to the Board *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 844, 845. *Signed*, Cadwallader Colden. *Endorsed*, Recd. 24th Jan., Read 1st May, 1728. *Holograph.* 4 *pp.* [*C.O.* 5, 1054. *ff.* 260–261*v.*, 262*v.*]

Dec. 15.
Whitehall.

825. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed*,

825. i. *Same* to the King. Lay before H.M. draughts of general Instructions for Governor the Earl of Orkney and of those which particularly relate to the Acts of Trade and Navigation, "with some alterations and our reasons for the same," vizt. The 8th Article, which relates to the manner of proceeding against the Members of the Council of Virginia, is made conformable to an Act passed there in 1706, *for establishing the General Court, etc.* The 82nd Article, formerly given to the Earl of Orkney, relating to the manner of granting lands, not being intirely consistent with several laws passed there since, we have substituted the 47th Article in the room thereof. The 50th Article, in relation to the quit rents, is made more full and explicit than it formerly was, there being great part of an Instruction to the like effect, which your Majesty has already approved of to Major General Hunter *etc.*, added to this. We have added the latter part of the 51st Instruction, Major Drysdale having represented to us, that the method of selling your Majesty's quit rents, by inch of candle, is a prejudice to your Majesty's revenue. We have omitted the latter half of the 54th Instruction, containing directions about constituting a Court for determining of small causes, and about the time for holding of General Courts, the same being provided for by two Acts passed at Virginia in 1706 and 1710 *etc.* The former Act (*for establishing the General Court*) making particular provision in case of appeal, we have made the 74th Instruction conformable thereto. By the 101st Instruction formerly given to the Earl of Orkney, his late Majesty signify'd his pleasure that the trade between his subjects of Virginia and the Indian natives, should be free and open; by the latter part of the said instruction, the Earl of Orkney was directed to acquaint the people, that his late Majesty preferring the particular benefit of his subjects there before any other advantage that might accrue to him by restraining the trade with the Indians, had granted them this permission, but the keeping this trade free and open, being contrary to the inclination of the principal inhabitants of Virginia, and the 1st part of this Instruction containing all that is necessary for the Governor's guidance therein, we think the latter part is better omitted. We have omitted the Earl of Orkney's former 87th Instruction, directing him to be aiding and assisting to such persons as are or shall be appointed by the Lords of the Treasury, to be Agents

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in the West Indies; as this Instruction was given in time of war, and relates only to prize goods, we think the same at present useless. The latter part of this Instruction directing the Govr. to transmit from time to time exact accounts of all occurrences concerning prizes, would yet seem necessary to be continued; but that the present 127th Instruction directs the Governor upon all occasions to send particular accounts of all his proceedings, and of the condition of affairs within his Government, We have likewise omitted the 105th Instruction, directing him to take care that there be no trading from Virginia to any place in Africa within the charter of the Royal African Company; that trade being now open to all your Majesty's subjects. We have also omitted the Earl of Orkney's former 114th, in relation to the qualification of jurors, it being provided for by an Act passed in 1706, *concerning* juries. We have also omitted the former 118th directing him to provide for the raising of stocks, and building workhouses for employing the poor, least it should encourage the setting up such manufactures as might lessen the consumption of those which at present Virginia takes from hence. We have made the 122nd Instruction, in relation to Admiralty rights and pirates' effects, conformable to an order from the Lords of the Committee of your Majesty's most Honble. Privy Council, 26th Oct. last. What other alterations or additions have been made, are such as your Majesty has already approved in your Instructions to Major General Hunter or Governor Montgomery *etc.* *Annexed*,

825. ii. Draft of H.M. Instructions to George, Earl of Orkney. [*C.O.* 5, 1365. *pp.* 376–433.]

Dec. 18.
New York, in America.

826. R. Bradley to the Duke of Newcastle. Refers to recommendation by the Bishop of Durham (March 11, 1725), and repeats request to be appointed to the Council of New York, upon the report of the appointment of a new Governor *etc.* *Signed*, Richd. Bradley. 1 *p.* [*C.O.* 5, 1092. *No.* 59.]

Dec. 18.
New York.

827. Col. and Mrs. Riggs to Mr. Delafaye. The winter has set in very violently, and if Governor Montgomery has sailed, as announced by his letter of 3rd Oct., we fear he will be blown off to the West Indies as some of our men of war and others of our best ships has been *etc.* *Repeats* complaints of the hard usage himself and his Company have received at the hands of Governor Burnet. Thank their dear brother for all his kindness and send him a bag of green pickled pepper *etc.* *Signed*, John Riggs. *Addressed*, To Brother Delafaye, These. 1 *p.* [*C.O.* 5, 1092. *No.* 60.]

1727.
Dec. 18.
New York.

828. Governor Burnet to the Council of Trade and Plantations. *Repeats part of following covering letter.* He has recommended to the Assembly of New Jersey the sinking of the interest money according to their orders *etc.* *Refers to* enclosed Speech to the Assembly. Has written to his correspondent to take out his Commissions *etc.* *Concludes:*—My successor has not yet arrived, and as the winds have of late proved contrary, we are very uncertain when to expect him. *Set out,* N. J. Archives, 1st Ser. V. 181. *Signed,* W. Burnet. *Endorsed,* Recd. 29th Jan., Read 2nd Feb., 172$\frac{7}{8}$. 1 *p.* *Enclosed,*

828. i. Address of the Governour, Council and Assembly of New Jersy to the King. *Express* the universal joy at H.M. accession *etc.* *Are assured* that the protection of mankind in their civil rights and liberties and in the free exercise of their religion, against ambition and persecution will be carried on by the House of Hanover. Your Majesty's early zeal and undaunted valour in defence of so glorious a cause, your Royal consort's distinguished piety that could not be shaken by the dazling offer of a Crown, and so numerous and hopefull a Royal issue, brought up under such an influence, and such examples, give us sure presages, that the blessings which we now enjoy, under your Majesty, will descend without interruption to our latest posterity. We cannot without concern reflect on the happy scituation of our fellow subjects, who have your Majesty's royal presence among them; But under so great a disadvantage we yeild to none, in gratitude to our Sovereign for his paternal care of us, and in a dutifull dependance on his goodness, for the security of our trade, the safety of our country, and the preservation of our liberty, and religion. We shall always with one heart and voice send up our most earnest prayers to Heaven, that your Majesty, and our gracious Queen may long live a pattern of conjugal happyness, and the glory of Great Britain, and yt. your Royal issue may continue the Protestant succession to the end of time. *Signed,* Wm. Burnet (Governor); Peter Bard, John Anderson, Ja. Smith, John Hamilton, Ja. Alexander, John Parker, Cor. van Horn Senr., John Johnston junr. (Councillors); The Members of the Assembly hereunder subscribing being of the people called Quakers, concurr to the matter and substance of this Address, but have some exceptions to the style; John Johnston, Speaker, Tho. Farmar, Jos. Bonnell, Jo. Cooper, Tho. Hall, Jas. Hude, John Eatton, James Giveer, Nathl. Jenkins, Aaron Leaming, Tho. Lambert, John Rodman, J. Kinsey junr., Mahlon Stacy, John Mickle,

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Wm. Harrison, Isaac Pearson, Joseph Reeve. *Endorsed as preceding. Copy.* (Original sent to D. of Newcastle.) 3 *pp.*

828. ii. Journal of Assembly of New Jersey 9th—13th Dec., 1727, with the Speech of Governor Burnet. *Printed by* William Bradford. *Endorsed,* Recd. 30th Jan., 1727. 6 *pp.* [*C.O.* 5, 972. *ff.* 144, 145–146*v.*, 147*v.*–150*v.*; *and* (*duplicates of covering letter and enclosure* ii, *endorsed,* Recd. 16th Feb., Read 1st May, 1728) 151, 152, 153*v.*–156*v.*]

Dec. 19.
New York.

829. Governor Burnet to the Duke of Newcastle. Encloses Address from New Jersey. " I hear that H.M. has appointed Mr. Montgomery to succeed me, and has named me for New England. I shall be proud to receive your Grace's commands as to the affairs of those Governments " *etc. Signed,* W. Burnet. *Endorsed,* Rd. 14th Feb. 1 *p. Enclosed,*

829. i. *The New York Gazette,* Oct. 16–23, 1727. Numb. 103. *Contains* Address of Council of New York to Governor Burnet and Address of Quakers (England) to the King *etc. Printed.* 2 *pp.*

829. ii. Duplicate of preceding letter to Board of Trade. [*C.O.* 5, 1092. *Nos.* 61, 61 i, ii; *and* (*covering letter only, endorsed,* Rd. Jan. 29th) 5, 1085. *No.* 68.]

Dec. 19.
New York.

830. Governor Burnet to Mr. Popple. *Refers to* enclosures (18th Dec.). *Expects* his Commission and Instructions by Mr. Montgomery every day *etc. Signed,* W. Burnet. *Endorsed,* Recd. 16th Feb., Read 1st May, 1728. ¾ *p.* [*C.O.* 5, 972. *ff.* 157, 158*v.*; *and* (*endorsed,* Recd. 30th Jan., Read 1st May, 1728) 5, 1054. *ff.* 255, 255*v.*]

Dec. 19.
Whitehall.

831. Council of Trade and Plantations to the Duke of Newcastle. In reply to 4th Nov., enclose following to be laid before H.M. *Annexed,*

831. i. *Same* to the King. Lay following draft of Commission before H.M., " being in the usual form, except that an article is added to the Massachusets Commission according to the form of the Commissions to all your Majesty's other Governors in America, impowering the Governor to keep and use the Great Seal. We are preparing the necessary Instructions " *etc. Annexed,*

831. i. Draught of H.M. Commission for William Burnet to be Governor of the Massachusets Bay.

831. ii. Draught of H.M. Commission for William Burnet to be Governor of New Hampshire. [*C.O.* 5, 916. *pp.* 14–54.]

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[Dec. 20.] **832.** Address of the Council of New York to Governor Burnet. *Acknowledge* the great advantages which the Province has received from his wise administration. Under him they have enjoyed all their rights, and he has shown in all his conduct a strict regard to honour, equity and justice. *Continue*:—We owe to your Excellency's care, dilligence and foresight the settlement of that important frontier of Oswego, by much the most rational method for the security of this Province against the neighbouring French, and for engageing the Six Nations and other remote Indians in the English interest, that ever was attempted. We behold among us, with a particular pleasure, the son of that good Prelate to whom the Protestant world are so much oblidged for the part he bore in bringing to an happy issue the establishment of the British Crown *etc.*, and would esteem your continuance among us in your present station one of the greatest marks of Royal favour to us. (? Oct. 1727.) 10 *signatures*. *Endorsed*, Recd., Read 20th Dec., 1727. Copied from the original communication to the Board by Mr. Leheup. 2½ *pp*. [*C.O.* 5, 1054. *ff*. 228–229*v*.]

[Dec. 20.] **833.** Address of the Mayor, Recorder, Aldermen and Assistants of New York to Governor Burnet. *Request him* to transmit their Address to H.M. (*v*. 26th Oct.). "We think ourselves truly happy under your Excellency's administration; we pray for the continuance of it" *etc.* (? Oct. 1727.) *Signed as* Oct. 26 No. v omitting Maerschalk and Waugelder. *Endorsed as preceding*. *Copy*. 2½ *pp*. [*C.O.* 5, 1054. *ff*. 230–231*v*.]

Dec. 21.
New York. **834.** Governor Burnet to the Duke of Newcastle. *Refers to following*. *Continues*:—I apprehend H.M. Prerogative to have been highly insulted by the Assembly in these resolves, and I submit it to your Grace to give such orders therein as shall be thought convenient, *etc.* My successor is not yet arrived, and the winds being contrary, it is doubted if he can come in till February. *Signed*, W. Burnet. *Endorsed*, Rd. Jan. 29th. 1 *p*. *Enclosed*,

834. i. Duplicate of following letter to Council of Trade.

834. ii. Minutes of Council of New York, Nov. 25, Dec. 5, 1727. *Printed*. 6 *pp*.

834. iii. Minutes of Council of New York, 13th Sept.—3rd Dec. 1711, relating to the Court of Chancery, with copies of address of the Council to the Board of Trade, 13th Dec. 1711 and their reply, 12th June, 1712, upon the claims of the Assembly. *Printed*. 9 *pp*. [*C.O.* 5, 1092. *Nos*. 62, 62 i–iii.]

Dec. 21.
New York. **835.** Governor Burnet to the Council of Trade and Plantations. *Encloses*, with comments eight public Acts of New York, and one private one for naturalising several persons,

passed 25th Nov. The Act *for preventing prosecutions by information* "is levelled at the Attorney General, who has indeed been very vexatious and industrious to make use of trifling pretences to bring himself into business, in a very mean and sordid manner *etc.* The like Act was passed formerly, and is in force in New Jersey" *etc.* *Continues*:—When I went with the Council and Assembly to the City hall to publish these Acts, I was informed that just before, the Assembly had passed some extraordinary resolves about the Court of Chancery, which was all done at the suggestion of their Speaker, who had lately lost a cause in Chancery, and against whom I had signed a decree only two days before: The evident partiality of the House, in being thus directed by one that was a party, and entring into his resentment, made me think it necessary to dissolve them, and to publish an answer to their resolves made by the Council (*enclosed*). Adolph Philipse, the Speaker, had the least reason of any man to disown the Court of Chancery, for he himself was a Member of the Council when that Court was established by the Council, and himself obtained releif in it *etc.* The Assembly acting thus in a hurry and in a clandestine manner, just at their breaking up, shews that their design was only to possess the country with ill impressions, without the Governour and Council having any opportunity, as they hoped, to undeceive them *etc.* We have in Council made some progress in reforming abuses of the practitioners in this Court and lessening fees, that no real pretence may be left to complain of the Court for the future *etc.* *Continues*:—One great reason why the country people are prejudiced against the Court of Chancery has been that several bills have been brought to ascertain and recover large sums due to the King for quit-rents, on which I have generally given decrees in favour of the King whom I apprehended to be very much wronged on that head; but this raised a pretty general clamour, because it fell heavy on several patentees. Upon the whole, I have had more trouble with this Court, than with all my other business put together, and nothing could have made me undergo it, but the necessity I found myself under, of giving releif when demanded of me. But one thing I took care of, that when the fees of the officers and the practitioners were raised, no addition should be made to mine, which remain very insignificant *etc.* *Explains that the* strong expressions of the Assembly against the Court have practically no foundation. *Refers to* Minutes of Council enclosed. The winds being contrary, his successor is hardly expected till Feb. *Set out*, N.Y. Col. Docs. V. *pp.* 846–848. *Signed*, W. Burnet. *Endorsed*, Recd. 29th Jan., Read 1st May, 1728. $7\frac{1}{2}$ *pp.* *Enclosed*,

835. i. *Duplicate* of encl. iii preceding. *Endorsed*, Recd. 29th Jan., $172\frac{7}{8}$. *Printed.* 15 *pp.*

1727.

835. ii. List of 9 Acts of New York passed 25th Nov., 1727. *Endorsed as preceding.* 1½ *pp.* [*C.O.* 5, 1054. *ff.* 240–252*v.*, 253*v.*]

Dec. 21. Whitehall. **836.** Council of Trade and Plantations to the Duke of Newcastle. Enclose three Addresses from New York (Oct. 26) to be laid before the King. *Autograph signatures.* 1 *p.* [*C.O.* 5, 1085. *No.* 70; *and* 5, 1125. *p.* 112; *and* (*rough draft*) 5, 1079. *No.* 149.]

Dec. 21. Whitehall. **837.** *Same* to *Same*. *Enclose* representation, 11th Jan., 1727, and letters just received from Governor Burnet, shewing "what industry is employ'd by the French at Canada, to encroach upon H.M. dominions, *etc.*" *Continue*:—In 1726, they erected a fort at Niagara, upon the land belonging to the 5 Indian Nations, subjects to H.M.; of which complaint has been made, but no redress hitherto obtained. Since the building of the fort by the French, Mr. Burnet has thought it necessary to erect another on the River Oswego, within the territory of the said 5 Nations, for the protection of our trade in those parts, which the Governor of Canada has peremptorily demanded to be demolished. This proceeding of the French Governor, we conceive to be directly contrary to the sense of the Treaty of Utrecht, highly detrimental to H.M. rights, and in no sort agreeable to the good union at present subsisting between the two Nations. *Refer to enclosed papers. Conclude*:—We shall only add one circumstance which must inevitably put this matter out of all dispute between the 2 Crowns, and decide the right in favour of Great Britain; in 1726, the Indians Nations, as a confirmation of their entire subjection to H.M., did surrender all their lands to him, and upon part of these lands, both the forts in question are erected. This surrender was owing to the application and address of Mr. Burnet, who has always acted with prudence and integrity. As we look upon this to be a matter of very great consequence to the British interest in America, we desire, your Grace would be pleased to take the first opportunity to receive H.M. directions for his Minister at the Court of France, to make the proper instances for redressing of these grievances. *Autograph signatures.* 3 *pp.* *Enclosed*,

837. i. Duplicate of *Same* to *Same*, Jan. 11, 1727.

837. ii–v. Copies of Nos. 684, iv–vi. [*C.O.* 5, 1085. *Nos.* 69, 69 i–v; *and* (*without enclosures*) 5, 1125. *pp.* 113–115.]

Dec. 22. St. James's. **838.** Order of King in Council. Referring to Committee representation of 15th Dec. with draughts of Instructions for Governor the Earl of Orkney. *Signed*, Ja. Vernon. *Endorsed*, Read 30th April, 1728. 1 *p.* [*C.O.* 5, 1321. *ff.* 16, 17*v.*]

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Dec. 22.
Annapolis.

839. Lt. Governor Calvert to the Council of Trade and Plantations. Your Lordships first packett, inclosing the orders for proclaiming his present Majesty, came not to my hands before Nov. 5th, and the duplicate thereof three days after. Before the receipt of those your Lordships' commands, I had with the advice of the Councill, proclaimed H.M. most sacred Majesty in this City on 14th Sept., and soon after in the several counties, after the most solemn manner the circumstances of time and place could admit of. If our forwardness therein, should be deemed irregular by your Lordships, I hope your censure will be yet so mild, as to impute it to a loyal though mistaken zeal, for as New England, New York and Pennsylvania, had proclaimed before us, wee thought our duty did exact from us, the like early professions of our faith and allegiance to the best of sovereigns. Pursuant to your Lordships' commands, I have publish'd the printed proclamations, you inclosed, for the continuance of officers in their respective places. The form of the proclamation used here, corresponded exactly, with that inclosed by the Lords of H.M. Privy Council *etc.* *Signed*, Ben. Leond. Calvert. *Endorsed*, Recd. 5th March, Read 8th May, 172$\frac{7}{8}$. 3 *pp.* [*C.O.* 5, 1267. *ff.* 21–22*v.*]

Dec. 22.
St. James's.

840. Order of King in Council. Referring draughts of Governor Burnet's Commission to a Committee of the Privy Council for their report. *Signed*, Ja. Vernon. *Endorsed*, Read 30th April, 1728. 1 *p.* [*C.O.* 5, 870. *ff.* 57, 58*v.*]

Dec. 23.
Treasury
Chambers.

841. Mr. Scrope to Mr. Popple. David Dunbar is appointed by the King Surveyor of Woods on the Continent of America in the room of Charles Burniston. The Lords Commissioners of the Treasury desire the Lords of Trade to prepare his Instructions *etc.* *Signed*, J. Scrope. *Endorsed*, Recd. 27th Dec. 1727, Read 2nd Jan., 172$\frac{7}{8}$. $\frac{3}{4}$ *p.* [*C.O.* 323, 8. *No.* 81.]

Dec. 23.
New York.

842. Governor Burnet to Mr. Popple. *Encloses* Acts of New York and Council's reply to the Assembly (*v.* 21st Dec.). Has expected his successor daily, but will now remain at New York till May next, to receive anything that comes to him from England and to take a good season to transport himself and family to Boston. *Signed*, W. Burnet. *Endorsed*, Recd. 30th Jan., Read 1st May, 1728. $\frac{3}{4}$ *p.* [*C.O.* 5, 1054. *ff.* 254, 255*v.*]

Dec. 25.

843. Petty Expences of the Board of Trade from Michaelmas to Christmas, 1727 (*v. Journal*). 6 *pp.* [*C.O.* 388, 79. *Nos.* 14–17.]

1727.
Dec. 26.
Virginia.

844. Mr. Fitzwilliam to the Council of Trade and Plantations. *As Surveyor General of the Customs in the Southern District of America, he applies for redress in the following case* (*cf.* Nov. 25, 1724). In Oct., 1724, there arrived at Philadelphia a ship called the *Fame*, own'd by one Pillins a merchant in Rotterdam. This ship, under colour of transporting from thence divers Palatine familys to settle in Pensilvania, imported directly from Holland a large quantity of East India goods, and divers European manufactures and commodities, to the value of £20,000, as it was generally computed. The Collector of Philadelphia *etc.* made a seizure of the ship and cargo, and left six waiters on board to take care of the same; but the following night 60 or 70 persons in disguise forcibly entered on board the ship cut her away from the wharf and towed her about five miles below the town, where they immediately landed the greater part of the prohibited goods: the waiters being terrified by the menaces of these rioters, four of them leapt over board and the other two were kept so closely confined, that they could give no account to what places these goods were carried; and in a few days thereafter, Sir William Keith the then Governor went on board and made a new pretended seizure, and immediately caused a creature of his to file an information against the ship, and some small part of the goods in the County Court of Philadelphia, where the master appear'd and confess'd the information, and thereupon execution was immediately taken out, and the ship and all the goods that could be found, sold at publick auction for little more than £600 sterling. I shall not trouble your Lrdsps. with a recital of the endeavours used by the Collector to prevent this collusive trial, and to assert his right in behalf of the King and himself to a much greater sum forfeited by this illegal importation: 'tis sufficient to inform your Lordps. that whatever he offered to that Inferiour Court was immediately overruled: upon which he appealed to H.M. in Council, and upon a hearing before their Excellcys. the Lords Justices, it was decided that the Collector should be at liberty to prosecute in the proper Court of Pensilvania, upon the seizure of the said ship and cargo, in such manner as he should be advised by his Council: and accordingly having consulted the Attorney and Sollicitor General, they advised him to bring suit in the Supreme Court of Pensilvania, which by an Act passed in the 8th year of his late Majesty, *for establishing Courts, etc.*, was declared to have like power and jurisdiction within Pensilvania as the Courts of Kings bench, Common pleas, or Exchequer at Westminster. The Collector prosecuted his seizure in that *etc.* Court, and obtained a condemnation; and being well informed that one Lawrence an inhabitant of Philadelphia had been principally concerned in the running and concealing the prohibited goods *etc.*, brought suit against him in the same Supreme Court of

Pensilvania; to which he appeared and put in bail; but while this suit was depending, the Assembly of Pensilvania (wch. mett last August) taking notice thereof, pass'd a vote that the Supreme Court of that Province ought not to take cognizance of any suit or information for the breach of a penal law, being, as they pretended, only constituted for reforming errors in the inferiour jurisdictions within that Province: but that vote not being sufficient to deterr the Judges of the Supreme Court from doing what they took to be their duty in this case, the said Assembly proceeded to fraim a bill under the same title as the former, whereby all the jurisdiction of the Supreme Court, to hear and determine suits and informations for the breach of any penal statute in the first instance is entirely taken away; and by means of this Act made ex post facto, the Collector's suit against Lawrence became discontinued; and he being gone out of the country in the mean time, and his bail discharged, the Collector has lost the effect of his suit, is obliged to pay the costs, and is never like to meet with another opportunity to obtain a remedy against one who was so notoriously guilty of rescuing by force the ship *Fame* and running the prohibited goods imported in her *etc.* While this bill was depending in the Assembly, Mr. Moor the Collector applyed both to the Governour and Assembly, that a clause might be inserted therein, giving the said Supreme Court jurisdiction originally to hold plea of all suits and informations wherein the King should happen to be concerned; but this clause (inclosed) being rejected; I then applyed to the Governour, desiring his favour that the execution of this law might be suspended, untill H.M. pleasure should be signified thereon, *etc.* The Governour in his answer to my letter (*inclosed*) excuses himself from proposing the adding the clause I had offered, and alledges some reasons which in my opinion are of very little weight. What I have humbly to offer *etc.* besides the barefaced partiality of stifling a prosecution already commenc'd is that the leaving the Officers of the Customs no other Court wherein to prosecute for breaches of the Acts of Trade, than the Inferiour County Courts must entirely discourage all such prosecutions: for as the judges of those Courts are men but of mean circumstances, and of as mean capacities, so are the jurys more apt to be biassed in favour of those who transgress the Law, the common people being generally of opinion that those who bring goods from forreign parts can afford them better pennyworths than others who import the like commodities from Great Britain where the dutys and customs are high. On the other hand the Judges of the Supreme Court are men of the best understanding and best fortunes in the Province, and as they are not to be biassed themselves, so their judgment and discretion in point of law will always have great weight with the Jury: or if any of them should prove obstinate and bring in an unjust verdict, these Judges will grant a new trial, which is not to be expected in the Inferiour Courts. So that your Lordships will judge, whether this Act made for a particular purpose to skreen an offender from a legal prosecution, and to take away the jurisdiction of a Court the most competent for trial of suits wherein the King is concerned, ought to receive any countenance: Besides this Act seems to me directly repugnant to the Act of Parliament of the 7th and 8th of King William, which gives the prosecutor his election to sue for breaches of the Acts of Trade in any of the King's Courts in the Plantations where he thinks fitt: but if the Plantation Assemblies can either prohibite or by a law oust one Court of its jurisdiction, they may by the same means prevent all others from taking cognizance of the like prosecutions, and render ineffectual all the Acts of Parliament which regulate the Plantation trade, especially in Pensilvania, where annual Assemblies are by the Constitution, to be constantly held. *Urges repeal of this law etc. Continues*:—Give me leave to mention the proceedings of [*another*] Assembly which in my humble opinion is not only unjust in itself, but in its consequences injurious to the trade of Great Britain. In the Assembly held in Virginia in May, 1726, a bill was sent up to the Council *for the more effectual preventing the bringing tobacco from North Carolina, and the bounds in controversy*, whereby all tobacco imported by land or water from that Province, is declared to be forfeited, and a penalty also laid upon the importers. Upon the reading of this bill I excepted against it, and at its passing thought it my duty, as a Member of the Council to enter my dissent, and to offer my reasons. *Refers* to Journal of Assembly, 24th May. *Continues*:—To which I have this further to add; that the restraining the people of North Carolina from selling or shipping off their tobacco in Virginia, when they have neither shipping of their own, nor ports to receive them, must of consequence force them upon manufactures of cloathing for themselves, since they are thus prevented of all supplies by the produce of their labour: and thus by a partial restraint of trade from one part of H.M. Dominions to another, H.M. Customs are lessned, the consumption of British manufactures diminished, and instead thereof a country which begins to grow numerous, laid under the necessity of falling into manufactures of their own; for 'tis impossible to imagine that a number of people should continue long under the want of necessary cloathing, without exerting their industry; especially when the country they inhabit is capable of furnishing them with materials *etc.* If allowed, he will lay before the Board anything of the like kind to above which comes to his knowledge *etc. Signed*, R. Fitzwilliam. *Endorsed*, Recd. 28th Feb., Read 7th May, 1728. 6 *pp. Enclosed*,

1727.

844. i. Copy of Act of Pennsylvania *for establishing Courts, etc. Endorsed,* Recd. 28th Feb., 172⅞. 16 *pp.*

844. ii. Clause proposed to be inserted in the bill of Courts by the Collector (*v. covering letter*). *Endorsed as preceding.* ½ *p.*

844. iii. Mr. Fitzwilliam to Lt. Gov. Gordon. Custom ho., Philadelphia, Aug. 25, 1727. *Encloses above clause, etc. Signed,* R. Fitzwilliam. *Endorsed as preceding. Copy.* 1 *p.* [*C.O.* 5, 1267. *ff.* 3–5*v.*, 6*v.*–14*v.*, 15*v.*–18*v.*]

Dec. 30. Williamsburg. **845.** Lt. Governor Gooch to the Duke of Newcastle. By a small vessell bound to Bristol, I informed your Grace the 10th instant of the death of Col. Nath. Harrison, one of the Council and Deputy Auditor. I then recommended to your Grace, Col. Henry Harrison and Col. William Randolph, men in all respects equall to and worthy either of them to fill up the vacant seat in Council; persons well affected to his present Majesty, of very good estates and abilities. Sickness I hope will plead with your Grace in my favour, if I am not yet got into that exact method, which I shall carefully observe for the future. In the mean time no man can be more watchful over H.M. interest *etc. Signed,* William Gooch. *Endorsed,* R. Feb. 28th. *Holograph.* ¾ *p.* [*C.O.* 5, 1337. *No.* 38.]

[? 1727.] **846.** A short state of the case of Collo. Hope, late Governour of Bermuda. *Refers* to cases of the *George and Elizabeth,* 1722, the *Salamander,* 1724, and appeals depending, also to the combination of George Tucker, the Provost Marshal and Secretary, and Edward Jones against him *etc.* The Assembly can find none of the grievances complained of. As long as Jones lives there will be complaints against every Governor of Bermudas. The Governor is put to considerable expense by these appeals and complaints which he hopes will be fully considered, as also his injured character *etc. No date or signature.* 5½ *pp.* [*C.O.* 37, 28. *No.* 37.]

[? 1727.] **847.** Petition of Joseph Fox to the Duke of Newcastle. Prays to be re-appointed Naval Officer in S. Carolina, in place of William Hammerton decd. Petitioner was displaced without good cause, for which His Grace and the Earl of Halifax have both expressed concern *etc. Signed,* Joseph Fox. 1 *p.* [*C.O.* 5, 383. *No.* 35.]

[1727.] **848.** Petition of President Ayscough to the King. Prays to be allowed the whole salary, £2500, of a Governor of Jamaica, instead of the half which he has received since the death of the Duke of Portland. The scarcity and dearness of provisions hath been of late so greatly encreased that to support the dignity

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of H.M. representative, petitioner has been at considerable expence out of his own private fortune. Mr. Heywood had the whole salary upon the removal of Lord A. Hamilton *etc.* *Without date or endorsement.* 1⅓ *pp.* [*C.O.* 137, 46. *No.* 51.]

[1727.] **849.** Memorandum of matters desired to be put in Mr. Burnet's Instructions as Governor of New England. That he be directed to demand a competent salary of the Assembly amounting to about £2000 sterling pr. annum. That an Independant Company be sent thither under him as Captain to take possession of the Fort, which will be the only means to bring these people to have a respect for the Government, as one was lately sent to Carolina for the same purpose, or if that cannot be obtain'd, that it be mention'd in his Instructions, that he is to give his opinion whether such an Independent Company is necessary, which tho' never intended to be granted, will put those people in fear it will, and make them most complying in other things in order to prevent it. *No date or signature.* 1 *p.* [*C.O.* 5, 1092. *No.* 63.]

[? 1727.] **850.** Petition of Lords Proprietors of Carolina to the King [George II]. Petitioners adhere to their petition presented to his late Majesty (*v.* 27th May, 1727) for surrendering the soveranity of S. Carolina *etc.* Till a proper method is advised for your Majesties' acceptance of such surrender, your petitioners in pursuance of their undoubted legal right of appointing Governors granted to them by their Charter doe hereby with all humility recommend to your most sacred Majestie Colonel Samuel Horsey for your Majesties Royal approbation *etc.* *Signed,* Beaufort, Craven, Ja. Bertie, J. Colleton, Hen. Bertie. [*C.O.* 5, 290. *p.* 185.]

[1727.] **851.** Copy of the 31st Article of the Duke of Portland's Instructions relating to his salary. 2½ *pp.* [*C.O.* 137, 52. *ff.* 333–334.]

[? 1727.] **852.** Petition of Col. John Staunton to the King. Samuel Foxon had an estate of about £1000 per annum in Antegoa. His four sons, officers, were all killed in the service of the Crown. The last, Col. Thomas Foxon, aide de camp to Lord Cadogan, was killed at the siege of Mons, and left petitioner his heir and executor. Petitioner was then a prisoner in Spain, and one Bodkin and other Papists hearing of Foxon's death stript the estate of all the negroes, cattle etc., whereby it lay waste, and after procured one Martin Treasurer of Antegoa to sell the sd. estate to his own brother for £100 by virtue of a law in that Island empowering him to sell all estates that lay waste for payment of the country taxes, in order to deprive petitioner

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of said estate. He is now obliged to go to Antegoa to recover it in equity. *Prays that*, in consideration of the services of the Foxons and himself, the Governor of the Leeward Islands may be directed to assist him etc. *Without date, signature or endorsement.* 1 *p.* [*C.O.* 7, 1. *No.* 30.]

[1727–1753.] **853.** Shipping returns, Jamaica. [*C.O.* 142, 15.]

1727. **854.** Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. [*C.O.* 116, 25.]

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